W. R. Stedman

SUMMARIES OF LAWS RELATING TO THE COMMITMENT AND CARE OF THE INSANE IN THE UNITED STATES

Prepared by

JOHN KOREN

FOR

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE

Published by

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INTRODUCTION

The National Committee for Mental Hygiene is pledged among other things, " to work for the protection of the mental health of the public and to help raise the standard of care for those threatened with mental disorder or actually ill;" and as a contribution towards these purposes it presents this volume, summarizing the laws relating to the commitment and care of the insane in the United States.

From their very nature mental disorders have always been made the subject of public supervision and therefore of legislation. In their inception, the laws relating to the insane merely intended to safeguard the public against a class of unfortunates who were considered as dangerous to others. With the modern conception of the mentally disordered as sick persons who are amenable to treatment, and whose ailments are more or less preventable, has arisen a new body of legislation which seeks to realize higher ideals. These ideals must be reached primarily by aid of wise laws, for not only are most of the mentally sick charges thrown upon public support, but mental infirmity involves a peculiar separation from society of uncertain duration, and this separation brings questions of personal liberty, property rights, guardianship, supervision, etc., all of which are matters for legal regulation. To deal more adequately with the problem of insanity is, therefore, first of all a question of adjusting our laws to meet the many perplexing sides it presents.

It is a common observation that states with highly developed systems for the care and treatment of the insane also have the best and most complete laws on the subject. On the other hand, where standards of care are comparatively low and the provisions for the mentally ill inadequate, one is as certain to find the laws rudimentary and insufficient. In short, the insanity laws reflect with much fidelity the status of public care given the insane.

In view of the great importance of the legislation under consideration, it deserves far more public attention than is

given it. Each one of the 48 states of the Union each has its body of laws in regard to the care and commitment of the insane. Although there are not 48 different systems of laws, since some states have been content to copy general features from other states, there is a bewildering diversity of legislation, showing all stages of development or lack of development in the care of the insane. The insanity laws as they stand to-day impress one, beyond the fact that so many of them are wholly inadequate, as the product of hasty, unsystematic tinkering. Very few constitute a well-rounded whole or bear marks of far-sighted study. Indeed, most of the laws are built upon ancient structures to which additions have been made as exigencies arose. Perhaps the most characteristic thing about the insanity laws is that they are constantly being mended and amended.

For the greater part the laws present a chaotic mass, which it is exceedingly difficult to survey. To reduce it to comparable dimensions has been the task. As no one else has undertaken it, the National Committee for Mental Hygiene believes that it is performing a service, which conforms to its programme, in presenting these summaries. By setting forth systematically what the laws of the different states prescribe in regard to the insane and the various provisions made for them, a comparative study of legislation is made possible, which should prove useful alike to the legislator, to those specifically charged with the supervision and care of the insane and to all persons interested. If better systems and higher standards and, above all, general uniformity in legislation, are to be attained, the first step is an exposition in convenient form of existing laws. This and little more the present publication would supply.

The summaries cover the existing laws in each state, including the District of Columbia. The legal provisions made for insane outside of Continental United States have not been considered. The summaries are based upon a first hand examination of the present codes and statutes of the respective states, ending with first half of the year 1912.

In order to present the summaries in a convenient form for comparisons between states in regard to the most impor-

tant provisions of the laws, it was necessary to adopt a uniform scheme. Therefore the extracts of the laws of the different states are given under specified headings regardless of the fact that the codes and statutes follow their own order of presentation.

The matter contained in the summaries has been gathered under the following general heads:

1. Administration and Supervision
   a. General
   b. Institutional, administrative and supervisory agencies
2. Provisions for the Care of the Insane
   In institutions—State
   Local
3. Commitment
   a. Classes committed
   b. Legal procedure in commitment
   c. Appeal from commitment
   d. Cost of commitment
4. Conveying Patients to the Hospital
5. Transfer of Patients
6. Parole and Discharge of Patients
7. Cost of Maintenance
8. Criminal Insane

To a thorough understanding of state systems of care of the insane belongs, self-evidently, a statement not only of institutional management, but of general administration and supervision. Therefore, the composition, general powers and duties of state boards of insanity, state boards of charities and corrections and other supervisory bodies are given in some detail. It also seemed desirable to outline briefly what the laws prescribe in regard to institutional management.

Under "provisions for the care of the insane" is shown the number of state hospitals in each state and mention made of local institutions except when they are for all classes of dependents.

The portions of the law contained under divisions 3, 6 and 8 have been summarized with due regard to details as they are of special importance. The original text has been followed as closely as possible. Briefer statements could have

been obtained by greater avoidance of the language of the statutes, but not without a definite loss and perhaps the bewilderment of persons familiar with the laws of their own state. A great mass of mere verbiage has been cut out. The prescriptions concerning forms of records, interrogatories, etc., were wholly omitted as lacking in general interest and making for inordinate length.

A few codes make much of prescriptions that in most instances are left to the discretion of boards of managers of hospitals, for instance, in regard to postal facilities for patients and the like. Matters of this kind were usually omitted, likewise the often very lengthy enactments concerning bookkeeping, financial statements, forms of reports, etc.

The unequal emphasis placed by the codes upon the obviously important and obviously unimportant is necessarily reflected in the summaries; and, from the point of view of some persons, things may have been omitted which they regard as significant. This was unavoidable as the views of individuals in this respect differ. It is believed, however, that the essentials of the laws have been faithfully stated.

Of course in many instances the laws of certain states contain enactments of which counterparts are not found in others. This accounts for the blanks under some headings. In other instances, apparent omissions mean that the matters in question have not been made the object of general legislation, but are left to the regulation of the boards of trustees of the hospitals or other officials.

Although the criminal insane are relatively few, the legal provisions in regard to them have been stated in some detail because the importance of the subject is more and more being recognized.

The numbers in the margin make it possible at once to refer to the original code or statute from which the section in question was taken. For the greater part the different paragraphs have not been furnished with sub-heads. The general headings make it clear what they deal with, so that the reader will have little difficulty in orienting himself.

J. K.

ALABAMA

Authority:

Code of Alabama, 1907

1. Administration and Supervision

a. General. There is in Alabama no central administrative or supervisory board of charitable institutions.

b. Institutional, administrative and supervisory agencies. Board of trustees. 839. 840. 841.
The hospitals for the insane are under a board of trustees of seven members who hold office for seven years. Vacancies are filled by the board itself, subject to confirmation of the senate.

The board reviews and investigates the affairs of the hospitals, and must annually prepare and transmit to the governor a full report of the wants, interests, conditions, receipts and expenditures of the hospitals for the preceding fiscal year. It prepares a book of rules for the government and instruction of the employees of the hospitals. For the immediate government and control of the hospitals, the board of trustees elects a superintendent, who is the executive officer of the board, for a term of not less than eight years, and determines his salary. The superintendent may be removed from office by the board of trustees for just cause. Powers and duties of board. 844. 845. 847.

The superintendent appoints all the assistant physicians, stewards, managers, supervisors, nurses and other employees of the hospitals. He has power to remove any of them from the employ of the hospitals at his discretion. Powers of superintendent. 848.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane, the one at Tuscaloosa being exclusively for white patients, and the other, at Mount Vernon, exclusively for colored patients. The criminal insane are separately provided for at the Tuscaloosa hospital.

Local. The court of county commissioners has the duty of supporting the poor of their county, including the insane who can not be maintained at the state hospitals. The poorhouses in which the insane may be kept are under the management of the court of county commissioners.

3. COMMITMENT

854. *a. Classes committed.* A person is defined as fit to be sent as a patient to an insane hospital who, in the opinion of the proper court, is mentally so deficient, defective and disqualified, that the restraint and medical treatment at the hospital are necessary for his safe keeping and improvement. A person whose mental aberrancy renders him seriously troublesome or dangerous to others or himself, is declared a particularly fit patient for an insane hospital. Simple, harmless, incurable dements, dotards or idiots are declared not fit patients for an insane hospital.

Exchange of patients. 855. The superintendent is authorized to decline to receive patients when the wards become crowded, but may, in order to make room, arrange with the justice of probate for the exchange of the harmless, incurable patients who may safely be cared for in their homes or in county institutions, for those who are regarded as curable or dangerous.

857. *b. Legal procedure in commitment.* Application for the admission of a person to the insane hospital must be made to the judge of probate in the county in which the alleged insane person resides. If the judge of probate after due investigation finds the case a suitable one, he must make application to the superintendent for the admission of the patient, accompanying it with full and explicit answers to prescribed interrogatories concerning the past history of the

859. patient. When informed by the superintendent that the person can be received as a patient, the judge of probate must call witnesses, at least one of whom must be a physician, and fully investigate the facts of the case, either with or without a jury, and either with or without the presence in the court of the person in question. If the judge or the jury believe the person is sufficiently defective mentally to be sent to a hospital for insane persons, the judge must make two copies of the certificate of the mental disqualifications, without which no person may be admitted, one of which is to be filed in his office, and the other to be sent with the patient to the hospital.

4352. *c. Appeal from commitment.* At any time after the inquisition, the person ascertained to be of unsound mind, by himself, or by next friend, may apply in writing to the court of pro-

bate for a revocation of the proceedings, the application to be accompanied by the certificate of two physicians, or of two other competent persons, stating that after examination of such person, they believe him to be of sound mind.

Not more than ten days thereafter, a hearing must be held. 4353.

If the allegations of the application are denied, the court must summon a jury to try the case; and the same proceedings must be had as upon the original inquisition. If there is no contest, and the court is satisfied of the truth of the application, he must revoke the proceedings on the inquisition and the guardianship, and declare the ward restored to the custody and management of his estate. 4354.

If the verdict of the jury negatives the facts cited in the application, a judgment of dismissal, at the cost of the applicant, or next friend, must be entered. 4355.

d. Cost of commitment. The cost of commitment and of transportation to the hospital must be paid by the county treasury in the case of an indigent person.

4. Conveying Patients to the Hospital

The judge of probate must require a relative, friend or officer, as he sees fit, to convey the patient to the hospital. 860.

5. Transfer of Patients

6. Parole and Discharge of Patients

The superintendent may grant friends or relatives permission to remove from the hospital on trial at their expense any harmless patient whom he thinks it will benefit. Such a patient may be returned by friends or those in charge, but at the expiration of six months, if the patient has not been returned, he shall be regarded as discharged and readmission can not be obtained without the same legal process as if the patient never had been admitted. 868.

When a patient has been restored to a normal and comparatively safe and good mental condition sufficiently long to warrant the opinion by the superintendent that he ought to be returned to his home, or set at large again, the superintendent must inform the friends or relatives of the patient's recovery, and if they do not furnish the money to pay the 867.

traveling expenses, he must notify the judge of probate of the county, and the commissioners of the county then pay out of the county treasury the necessary expenses for the return of the patient to his home.

7. Cost of Maintenance

861. The judge of probate must examine the financial standing of the person adjudged insane, and if he has not sufficient means to pay for his support at the hospital, it must be so stated in the certificate of admission and the expense is then
862. borne by the state. When a patient or his parents or guardians possess means, or his relatives or friends care to provide for his support, the judge of probate must contract with responsible parties for the payment quarterly in advance of the amount chargeable for such patients, and cause a bond with
863. sufficient surety to be made. The judge of probate from each county must from time to time at his own instance, if his attention is drawn to it by the superintendent or other person, investigate the financial standing of any indigent patient in the hospital from his county; and if he finds him able to pay for his support, he must, under penalty of having the patient returned at the county's expense to his home, contract with
865. responsible parties for the payment in question. The judge of probate can transfer a paying patient who has become indigent to the indigent class.

8. Criminal Insane

871. When any person sentenced to imprisonment in the penitentiary or to hard labor becomes insane, the physician in attendance must report the fact to the Governor, who must appoint three suitable persons, one of them a physician, to examine the convict, and if they declare him insane and fit to be sent to the hospital, application must be directed for his admission to Tuscaloosa.

872. No criminal or person indicted for crime, who has been declared insane, may be sent to an insane hospital until the sheriff or other officer having legal custody of said patient has forwarded to the superintendent an application and a description of the case, according to the form prescribed for

judges of probate, together with a certified copy of the order of the court. When any insane convict is brought to the hospital, instructions must always be given to whom his recovery is to be reported. Upon recovery of such a patient the proper officer must be notified and immediately remove him. 873.

ARIZONA

Authorities:

Revised Statutes of Arizona, 1901
Acts of Arizona, 1903

1. Administration and Supervision

a. General. The state board of control is composed of the governor and auditor of the state and one citizen, appointed by the governor for a term of two years. Not more than two members of the board may belong to the same political party. The citizen member is required to give his whole time
3563. to the work of the board and is a salaried official. The board of control has full charge of all charitable and penal institu-
3564. tions of the state, and must formulate rules for their government and purchase all supplies.

Powers and duties of board of control. 3621. The board has power to make by-laws for the government of the hospital and must keep a record of its proceedings open to the inspection of any citizen. It must make a thorough visitation of the hospital monthly and has power to remove the superintendent, any assistant or other employee for neglect of duty. The board of control must adopt all necessary forms of complaint, certificates of lunacy and commitment and any other rules and regulations deemed necessary for the proper commitment of insane persons to the hospital and the government of the institution. The board must submit an annual report to the legislature.

b. Institutional, administrative and supervisory agencies.

Resident physician and superintendent. 3619. The governor appoints the resident physician for the asylum, who must be a college graduate in medicine and surgery, and have practiced his profession for not less than four years. He has direction and control of all persons connected with the hospital, subject to the regulations established by the board of control. With the approval of the board, he appoints the necessary assistants and attendants, prescribes their duties, fixes their compensation, and may discharge any of them at his sole discretion.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a general hospital for the insane.

Local

3. Commitment

a. Classes committed. All insane persons are entitled to admission to the state hospital. Pay-patients may be received under rates established by the board of control.

b. Legal procedure in commitment. The probate judge of any county, upon a sworn application that a person by reason of insanity is dangerous if at large, must cause the person to be brought before him for examination and summon two or more witnesses acquainted with the accused at the time of the alleged insanity. He must also call in two graduates of medicine and reputable practitioners to be present at the hearing, and after a personal examination of the accused to make a written statement under oath in regard to his mental condition, whether it is unsafe to let him go at large and whether his insanity is likely to prove permanent or only temporary. If the proofs satisfy the judge that the person is insane and can not safely be allowed at large, he must direct the confinement of such person in the hospital for the insane until sufficiently restored to reason. 2768.

c. Appeal from commitment. Every person unlawfully committed or restrained of his liberty may prosecute a writ of habeas corpus to inquire into the cause of the restraint, by petition, signed either by the party for whose relief it is intended or by some person in his behalf. Such writ may be granted by the supreme court or any district court. Part II. 1218. 1219. 1220.

d. Cost of commitment. The cost of the commitment of an insane person must be borne by him if he has sufficient estate. If he is indigent, the cost is chargeable to the county from which he was sent. 2769. 1770.

4. Conveying Patients to the Hospital

The board of supervisors of each county must cause insane persons to be conveyed to the hospital for the insane and pro- 2769.

vide meanwhile for their safe-keeping and care. The board of supervisors of counties are authorized, when necessary, to contract with the lowest responsible bidder for the transportation of insane persons of their counties to the hospital.

5. Transfer of Patients

6. Parole and Discharge of Patients

Laws of 1903, 3624. The superintendent has authority to release on parole patients not of a suicidal or homicidal tendency and who may be in a state of convalescence, upon application of their relatives or friends, who are required to give bond guaranteeing their proper care and maintenance and their return to the hospital if necessary, and to keep the superintendent informed each month of the mental and physical condition of the patients.

Laws of 1903, 3624. The board of control may by order discharge any patient who is not insane nor a proper case for treatment, under such regulations and rules as it may prescribe. Any poor and indigent patient discharged by the superintendent or upon the order of the board because he is an idiot, an imbecile, not insane, or because he is not a proper case for treatment within the meaning of the law, must be returned to the care of the county from which he was committed. Every cured and discharged indigent patient must be furnished by the superintendent with $5 in cash, a suit of clothes and a half-fare ticket on any railroad or railway within the state.

Any person who has been declared insane, or the guardian, or any relative within the third degree, or any friend, may petition the probate judge of the county in which the person was declared insane, to have the fact of his restoration judicially determined. The judge must appoint a day for the hearing, and, if the petitioner request it, order the investigation before a jury, notice of the trial having been given to the guardian of the petitioner, to his or her husband or wife, and to his or her father or mother, if living in the country. The guardian or relative of the petitioner, and, in the discretion of the judge, any other person, may contest the right of the petitioner to the relief demanded. If the petitioner is found of sound mind and capable of taking care of himself and his

property, his restoration to capacity must be declared, and the guardianship of such person, if he is not a minor, ceases.

7. Cost of Maintenance

The probate judge may at any time inquire into the ability of any insane person committed by him to bear the expenses of his maintenance while in custody. If the insane person is able to pay the charges or any portion of them, the judge must appoint a guardian for him, authorized to control all his property, and to pay from the proceeds of it the cost of his maintenance. Indigent insane persons are maintained at the hospital at the expense of the state. 2770.

8. Criminal Insane

Whenever a person confined in any county jail in the state upon a conviction for a misdemeanor shows symptoms of insanity, the sheriff must immediately notify the county physician to examine the person, and, if in his judgment the person is insane, an examination into his insanity must be held as provided by law. If found insane the person must be committed to the hospital for the insane. If doubt arises as to the sanity of a defendant in a criminal case, the court must order the question as to his sanity to be submitted to a jury. If the jury find the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be committed to the state hospital and detained there until he becomes sane. When he becomes sane, the defendant must be taken from the hospital and placed in proper custody until he is brought to trial or judgment or legally discharged. 2773. Part II. 1148. 1150. 1152.

If, after judgment of death, there is good reason to suppose that the defendant has become insane, a jury of 12 persons may be summoned to inquire into the supposed insanity. The district attorney must attend the inquisition. If the defendant is found insane, the sheriff must suspend the execution of the judgment until he receives a warrant from the judge of the court in which judgment was rendered, directing the execution of the judgment. If the defendant is found insane, the sheriff must immediately transmit it to the governor, who may, when the defendant becomes sane, 1027. 1028. 1030. 1031.

issue a warrant appointing a day for the execution of the judgment.

3587. When a prisoner confined in the state prison shows symptoms of insanity, the prison physician must examine him and, if found insane, must report to the superintendent. The superintendent must communicate at once with the nearest legal authority having jurisdiction concerning persons alleged to be insane, and thereafter all proceedings must conform to the law governing such cases. If the person is found insane, the superintendent of the prison must send him at once to the hospital for the insane, at the cost of the state. The superintendent of the hospital must render, quarterly, to the superintendent of the prison, a report of the condition of the person, and when he has so far recovered as to be able to continue service in the prison without further risk, he must be returned to serve any unexpired time. If his term of sentence has expired while in the hospital, the superintendent of the prison must forward him his legal discharge from the prison.

ARKANSAS

Authority:

Digest of the Statutes of Arkansas, 1904

1. Administration and Supervision

a. General. Arkansas is without a state board having general administrative and supervisory powers over charitable institutions.

b. Institutional, administrative and supervisory agencies. 4197. The State Hospital for Nervous Diseases is under the management of a board of trustees of six members, one from each congressional district, appointed biennially by the governor.

The board appoints the superintendent, who must be a skillful physician, for a term of four years, a steward, fixes all salaries, and has charge of the general interests of the institution. The record of the doings of the trustees are open to the inspection of the governor and all persons whom he or the legislature may appoint to examine it. The board is required to visit the hospital monthly and to make a biennial report to the governor.

Powers and duties of board of trustees. 4180. 4182. 4185.

The superintendent appoints and removes all subordinate officers and persons allowed by the board of trustees. His duties in regard to records, accounts, and general care of the institution and its inmates are prescribed in detail, as are those of the steward.

Powers and duties of superintending physician. 4186.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a hospital for the insane known as the State Hospital for Nervous Diseases. The statutes require that the white and colored patients shall be treated in separate wards or departments.

Local. Each county must provide in the county poorhouse, where such has been established, for its own indigent insane who can not be admitted to the state hospital. The county court has the duty of looking after such insane persons.

3. Commitment

a. Classes committed. 4193. Any citizen or resident of the state of Arkansas who becomes insane may be admitted to the

state insane asylum as a patient, proper proof having been made and proceedings had according to the law.

4194. *b. Legal procedure in commitment.* Upon a written statement filed by any reputable citizen of the state with the county and probate judge alleging that any person is entitled to
4195. admission to the state hospital for the insane, the county or probate judge must appoint a time as soon as practicable to hear the testimony of witnesses, and must cause the insane person to be examined separately by two reputable, competent and disinterested physicians, who shall severally present to the county judge a sworn statement of the result of their
4196. examinations. If the judge finds the person insane he must without delay transmit to the superintendent of the state hospital his decision in writing, with copies of the original statement filed with him by the citizen, and the statement of the physicians including interrogatories and answers. The
4197. superintendent of the state hospital must thereupon immediately notify the judge of his readiness to admit the insane person if there is room unoccupied. If there is no room, he must notify the judge, and return to him the documents in the case. But in such instances, the name and county of the insane person must be recorded at the hospital in the order in which the decision of the judge was received, and he is entitled to precedence over all who may apply for admission later.

Classification of insane persons. 4209. All persons found to be insane, for whom application for admission to the state insane asylum is made, are classified as "acute," "chronic," "probably incurable" or "incurable." All cases of less than one year's duration from first recognized symptoms of insanity are classified as "acute;" all cases over one year's duration as "chronic;" all cases complicated with epilepsy, original imbecility or feeble-mindedness, deformities of skull from injuries, old age or paralysis as "probably incurable;" and all other cases as "incurable," provided, that no person of either classification whether curable or not, and whether the imbecility or insanity be idiotic or congenital or not, may be refused admission as long as there is unoccupied room for patients in the hospital.

Insane persons found at large to be arrested. 4049. Insane persons found at large, and not in the care of some discreet person, must be arrested by any peace officer and

taken before a magistrate of the county, city or town in which the arrest is made, who shall make the necessary orders to keep him in restraint until he can be sent to the insane hospital. If the insane person has no friends to whose custody the magistrate can commit him, he may order him to be confined in the county or city jail, giving immediate notice to the county judge or city attorney, whose duty it is to take the proper proceedings for having the insane person sent to the hospital. 4050.

d. Cost of commitment. Each county in the state is chargeable for all expenses of commitment, delivery to and removal from the state hospital of persons resident of the respective counties, and must reimburse the sheriff for money deposited with the superintendent for deficiencies of clothing of patients. 4214.

4. Conveying Patients to the Hospital

The sheriff of any county, or any person deputized by the judge, and directed to arrest and deliver to the superintendent of the state hospital any insane person, must execute the warrant or order without delay, and may call to his assistance a physician, nurse or other person whom the judge may indicate as necessary, and shall deliver the person without unnecessary force, restraint or publicity by the most direct and practicable route and method of travel. All females who have been adjudged insane must be accompanied to the insane asylum by at least one female attendant. 4199. 4200.

5. Transfer of Patients

6. Parole and Discharge of Patients

When there is no available room in the hospital, the superintendent must, as soon as practicable, in order to make room for the admission of a patient suffering from an "acute" form of insanity, discharge some inmate belonging to the "incurable" class, if there is such, or one belonging to the "probably incurable" class if there is no one dischargeable from the fourth class, or one belonging to the "chronic" class if there is no one dischargeable from the third class. In making a selection for discharge the superintendent must give preference to one who has been longest in the hospital, if not violent or dangerous to the community, or whose discharge will effect Power of superintendent to discharge, to make room for another. 4210.

the least possible inconvenience or cost. No appeal may be had from the decision of the superintendent in matters of admission and discharge of inmates, except to the board of trustees of the asylum, who may direct the superintendent to admit or discharge any person under any circumstances not involving a violation of law.

Notice of discharge. 4211. When by reason of recovery or necessity for the benefit of an insane person of the "acute" class the superintendent of the state hospital thinks proper to discharge any inmate, 4214. he must notify the county and probate judge of the county from which the inmate was committed who shall then direct the removal of the inmate without delay to his guardian or home. If the person has no guardian or home he must be delivered to such party and place in the county as may be provided for his further custody and maintenance, if he be not recovered and capable of taking care of himself. An inmate of the hospital having recovered his reason may unofficially be removed from the asylum by consent of the superintendent, or by his friends without consent of the superintendent, or by direction of the board of trustees. But notice of removal must be sent at once to the county or probate judge of the county from which the person was removed or committed.

7. Cost of Maintenance

4202. Any indigent citizen or resident of the state of Arkansas, duly found to be insane, may be maintained at the state hospital at the public expense until removed. If he has been 4203. found to possess estate more than sufficient for the support of his natural dependents, his guardian must pay for his maintenance and care at the hospital, and remove him when so required and notified by the president of the board of trustees and superintendent of the hospital. Indigent persons who are not able to pay have preference over those who are able to pay.

All inmates of the Arkansas Confederate Home who become insane and have been declared so by the physician in charge are entitled to care and treatment in the state hospital.

Duty of guardians of insane persons. 4192. Immediately after the appointment by the court of any guardian for a lunatic or insane person, the guardian must

take steps to have the person thus placed in his charge admitted into the state asylum.

If any person is so far disordered in his mind as to endanger his own person, or the person or property of others, his guardian, or other person under whose care he may be, must confine him in some suitable place until the next term of the probate court for his county, which shall make such order for his restraint, support and safe-keeping as the circumstances shall require. Judge or justice may order such confinement. Any judge of a court of record, or any two justices of the peace of the county may cause such insane person to be arrested, and may employ any person to confine him in some suitable place until the court makes further order.

Temporary care of dangerous insane. 4046. 4047.

8. Criminal Insane

When the penitentiary physician ascertains that any convict confined in the state penitentiary or reform school is insane, he must certify the fact to the superintendent who, by and with the advice and consent of the board, must transfer him to the state hospital. If the convict recovers, the superintendent must certify the fact to the superintendent of the penitentiary. The time the convict may have been in the hospital is credited as time served under his sentence to the penitentiary.

The superintendent of the state insane hospital upon the certificate of the judge before whom the case is pending upon presentment or indictment, must admit any person who has been acquitted upon a plea of insanity or any person who has been adjudged insane, when he has been held upon presentment or indictment and can not be tried because of insanity. Any person so admitted must be kept at the hospital until restored to reason. Upon his recovery, the superintendent must notify the sheriff of the county in which the indictment or presentment is pending, who shall convey him back to the jail of said county, or hold him in custody until discharged according to law.

Admission and discharge of criminal insane. 4204. 4206. 4207.

CALIFORNIA

Authorities:

Political Code of California, 1905, as amended by Chapter 65, Laws of 1909

Laws of California, 1903, 1911

1. Administration and Supervision

Act of 1903, 1. *a. General.* The state board of charities and correction is composed of six members, not more than three of whom may be from the same political party, appointed by the governor for terms of 12 years. Women may be appointed.

3. The board must investigate and report upon all charitable and correctional institutions of the state, counties, cities and towns. All persons in charge of such institutions are required to furnish the board such information and statistics as it may request. The board may prescribe the forms of reports and records by the state commission in lunacy. All plans for buildings for public institutions must be submitted to the

4. board. The board has power to compel the attendance of

5. witnesses, the production of books and papers relating to public institutions. The board makes a biennial report to the governor.

2136. A commission in lunacy, consisting of the general superintendent of the state hospitals, the secretary of the state board of health and the three members of the state board of examiners exercises general supervision over the state hospitals for the insane. All members except the general super-

2137. intendent serve without salary. The general superintendent of state hospitals is appointed by the governor for a term of four years, and may not hold any other office. He must be a reputable physician, a graduate of an incorporated medical college, and have had at least ten years' actual practice in his profession as well as six years' experience in the care and treatment of the insane, at least one year of which must have been spent in the state hospitals.

Powers and duties of the commission. 2141. The commission is authorized, among other things, to appoint an accountant for the hospitals and to inquire into their general condition and management; to fix the annual

salaries of the resident officers and treasurers of the hospitals, which must be uniform for all, and to classify other officers and employees and determine their salaries; to determine the kind and character of all employees in state hospitals. The commission must examine the condition and management of all public and private institutions receiving and caring for the insane; adopt rules and regulations, books of record, blank forms, etc., for all hospitals; keep a record of each duly qualified medical examiner and of all inmates of hospitals; cause the books and accounts of the hospitals to be examined at least once in six months; report and recommend to the legislature the necessary prospective needs for the care and treatment of the poor and indigent insane; and, for the purpose of preventing over-crowding, make suitable recommendations to the legislature; furnish the legislature an estimate of the probable number of patients who will become inmates of the respective state hospitals during the two years beginning July first, next ensuing, and the cost of all additional buildings and equipments; and report to the legislature its acts and proceedings. The commission has power to investigate cases of alleged wrongful detention of insane or their improper treatment, and may for this purpose exercise the powers conferred upon the referee in a superior court. At an investigation into the general management of any hospital for the insane, the commission may notify the attorney general, who must participate personally or by a deputy. The commission may at any time visit and examine the inmates of any almshouse to ascertain if insane persons are kept there.

2142.

2142a.

Commission to license private hospitals for the insane. 2196.

No institution for the care and treatment of the insane may be established without first obtaining a license from the Commission. Application for a license must be accompanied by plans and other information, in such form as the Commission may require. Before granting a license, the commission must inspect the place and, after inquiry, amend or revoke any license. Private institutions for the care and treatment of the insane must keep records in the same manner and form as prescribed for the state hospitals. For violating the provisions of law in regard to private institutions for the insane,

a penalty may be imposed of imprisonment for six months, or a fine of $1,000, or both.

Duties of general superintendent. 2143. The general superintendent of state hospitals must fully inspect every state hospital at least twice each year.

b. Institutional, administrative and supervisory agencies.

2147. Each of the hospitals for the insane is under a board of five managers, appointed by the governor for terms of four years. Failure on the part of a manager to attend the regular meetings of his board unless ill or absent from the state makes

2148. his office vacant. Subject to the powers of the state com-

2150. mission in lunacy, each board of managers has general control and direction of the property and concerns of its hospital. Subject to the approval of the commission, the board must make laws and regulations in regard to the duties of officers and employees; visit the hospital at least every month (the attendance of the majority is required); and make detailed reports of visits and inspections to the commission in lunacy.

2151. No money may be expended by the managers for additional buildings or unusual repairs except upon plans and specifi-

2152. cations approved by the commission. Each board of managers appoints for the hospital under its control: a medical superintendent (subject to an examination under the direction of the general superintendent), who must be a graduate of an incorporated medical college and a well educated physician, who has had not less than three years' experience in the care and treatment of the insane; and a treasurer.

Medical superintendent. 2153a. The medical superintendent appoints, with power of removal, by and with the consent of the board of managers: a supervisor, matron and steward and all employees; the necessary assistant physicians and internes, as may be determined by the commission. At least one of the assistants in each of the state hospitals must be a woman. The assistant physicians must have had actual experience in the care and treatment of the insane, and before appointment are required to pass an examination conducted by the medical superintendent. Any officer or employee of a state hospital taking active part in politics, directly or indirectly, may be summarily removed by the commission upon written charges, under oath, made by three or more reputable citizens.

The state hospitals may, subject to the permission of the commission, make or manufacture such supplies and materials as are necessary or required to be used in any of the state hospitals, and which can be economically made or manufactured. Manufacture of supplies. 2163.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains six general hospitals for the insane.

Local. Chronic harmless and other insane who are not suitable patients in a state hospital may be cared for in county hospitals or almshouses, which are under the boards of supervisors of the county.

The board of supervisors of each county, and city and county, must maintain a suitable room or rooms for the detention, care and treatment of alleged insane persons, for a period of not less than one nor more than twenty days. Detention room for the insane. 2167.

All peace officers and other persons having duties relative to the insane poor must see to it that all poor and indigent insane persons within their municipalities are speedily granted relief, and when ordered by a superior judge must cause them to be transferred without unnecessary delay to the proper state hospitals. 2183.

3. Commitment

a. Classes committed. All insane persons are entitled to admission to the state hospitals for the insane; but no case of idiocy, imbecility, epilepsy, harmless chronic mental unsoundness, feeble-mindedness or acute mania *a potu* may be committed to the state hospitals, except when the person has become insane. 2175a.

Under rules and regulations established by the state commission in lunacy, the medical superintendent of any state hospital, except the Folsom State Hospital, may receive and detain in such state hospital, as a boarder and patient, any suitable person suffering from mental disease, who voluntarily makes a written application to the medical superintendent for admission and who is competent to make such application. A voluntary patient may not be detained for more than seven days after having given notice in writing to Voluntary patients. Laws of 1911, Chap. 277.

the medical superintendent of his desire to leave. Upon the admission of a voluntary patient to a state hospital, the medical superintendent must immediately send the commission in lunacy his record, showing name, residence, age, sex, nativity, occupation, civil condition, date of admission and other information that may be required.

Pay patients. 2185. Pay patients may be received under special agreement with relatives, guardians or friends of patients.

Medical examiners. 2167a. *b. Legal procedure in commitment.* The superior judge of each county, or city and county, may grant certificates to medical examiners in accordance with the form prescribed by the commission, showing that the persons named are reputable physicians and graduates of incorporated medical colleges, and have been in actual practice at least five years. There must at all times be at least two such medical examiners in each county.

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far disordered in his mind as to endanger health, person or property, he must have him taken before a judge of the superior court of the county for a hearing. The copy of the affidavit and warrant of the arrest must be personally delivered to the alleged insane person. The judge of the superior court must inform him that he is charged with being insane and of his rights to make a defence, and order a time and place for a hearing of the case and examination in open court. The judge may also order that notice of the arrest and hearing be served upon relatives of said person residing in

2169. the county. At least two medical examiners must hear the testimony of all witnesses, make a personal examination of the alleged insane person, and testify before the judge as to the result of the examination, and to other pertinent facts. The judge must examine any other proper witness who has any knowledge of the mental or financial condition of the alleged insane person or financial condition of the persons liable for his maintenance. The alleged insane person must

2170. be present at the hearing, and if he has no attorney, the judge may appoint one to represent him. If the medical examiners believe the person to be dangerously insane, they must make

a certificate to that effect in the form prescribed by law, whereupon the judge, if he believes the person so far disordered in his mind as to endanger health, person or property, must adjudge him insane and issue an order for his confinement in a hospital for the insane, accompanied by a statement as to the financial condition of the insane person or the persons liable for his maintenance. Copies of the order, the certificate of the examiners and accompanying statement must be filed with a county clerk and recorded by him. If a judge refuse to grant an order of commitment of an alleged insane person, any one aggrieved may demand a trial of the question in the manner provided for a jury trial. 2171. 2174.

The commission in lunacy may inquire into the manner in which any insane person not confined in a state hospital is cared for, and may apply to a judge of the superior court for commitment to a state hospital. 2177.

If a poor indigent person who has not been a legal resident of the state for a period of at least one year, is ordered to be committed to a state hospital, the commission may return him to the country or state to which he belongs. Return of non-resident insane. 2191.

Every superintendent of a hospital must within three days after the reception of a patient have him thoroughly examined physically and mentally. He must also make such examination periodically and state results upon blanks approved by the commission. Examination of patients at the hospital. 2186.

c. Appeal from commitment. If a person ordered to be committed, or any friend in his behalf, is dissatisfied with the order committing him, he may within five days demand that the question of his sanity be tried by a jury before the superior court of the county in which he was committed. The cause against the alleged insane must be represented by the district attorney of the county. The trial is held as provided for the trial of civil causes before a jury, and the alleged insane person must be discharged unless a verdict that he is insane is found by at least three-fourths of the jury. 2174.

Any one in custody as insane is entitled to the writ of habeas corpus, upon proper application made by the commission, by such person, relative or friend in his behalf, to the superior judge of the county in which the hospital is located. Writ of habeas corpus. 2188.

2175. *d. Cost of commitment.* The cost of determining the insanity of an indigent person and securing his commitment is charged upon the county, or city and county, whence he is committed. If he is not indigent, the costs are charged upon his estate, or to the persons legally liable for his maintenance. If he is adjudged not to be insane, the judge may charge the costs of the proceedings to the person making the
2176. application for an order of commitment. The husband, wife, father, mother or children of an insane person, and the guardian of his estate, are liable for the cost and charges of his commitment and transportation to a hospital for the insane.

4. Conveying Patients to the Hospital

2172. It is the duty of the sheriff to deliver the insane person together with all documents in his case to the officer in charge of the hospital to which he is committed. No female insane person may be taken to any hospital without the attendance of some other female or of some relative.

5. Transfer of Patients

Patients may be transferred at the request of relatives or friends, provided there is room in the hospital to which transfer is sought, at the expense of relatives or friends, and with the consent of the commission and medical superintendents of the hospitals from which and to which transfers are to be made. The commission may transfer any inmate of the home for feeble-minded to a state hospital for the insane, and any patient in a state hospital to the home for feeble-minded.

6. Parole and Discharge of Patients

2189. The superintendent of a hospital may grant parole to a patient for not more than thirty days under provisions prescribed by the commission.

2189. The superintendent of a state hospital on filing a certificate with the secretary or board of managers may discharge any patient, except one held upon a court order in a criminal action, who has recovered, or one not recovered whose discharge will not be deterimental to public welfare or injurious to himself. The medical superintendent may refuse to dis-

charge any patient as improved unless satisfied that proper care will be provided for him after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient upon request, any superior judge of the county in which the hospital is situated may, after giving the superintendent an opportunity to be heard, direct the discharge upon such security as he may require for the good behavior and maintenance of the patient.

The medical superintendent of any state hospital may on his own motion, and must on the order of the commission, discharge any patient who is not insane or because he is not a proper case for treatment, or because he is an idiot, imbecile or on account of chronic harmless mental unsoundness or acute mania *a potu*. Such a person must be returned to the county from which he was committed at its expense, and if poor and indigent, must be cared for by the county. Any person thus discharged from a state hospital may not again be committed to any state hospital for the insane except upon permission obtained from the medical superintendent.

Restoration of insane to legal capacity. 2189.

When any person committed to a state hospital, and for whom no guardian has been appointed, and who is absent on parole, or who has been discharged as improved, is desirous of being declared sane and restored to legal capacity, he or others on his behalf may make application in writing to the medical superintendent. If satisfied after examination that the person is sane, the medical superintendent must so declare him, and give him a certificate of his recovery, a copy of which is to be forwarded to the commission. If the medical superintendent is unwilling to issue such certificate, the insane person or others on his behalf may petition a judge of the superior court of the county wherein such person resides, asking that he be declared sane. If the court is satisfied, and the jury so decides, the court must adjudge him sane, and the order to that effect must be recorded by the county clerk and certified to the commissioners in lunacy and the proper hospital superintendent. If the court is satisfied, or the jury so decides, the court shall adjudge him to be insane. If the question is tried by a jury, the cause against the insane person must be represented by the district attorney of the county. An

appeal may be taken from the decision of the court to the supreme court. If three-fourths of the jury fail to declare the person sane, or the court or jury find him insane, the court must dismiss the case and no new application shall be made for the insane person for six months thereafter. Proceedings of the same kind may be taken whenever a person who has been adjudged to be insane and who has not been committed to a hospital for the insane and who has no guardian, is desirous of being declared sane and restored to legal capacity. Before an order is made for any proceedings for a trial by jury, the persons demanding the same must make a deposit or give a bond for the payment of all costs of the trial, unless in the opinion of the court he is a poor or indigent person.

2190. Patients discharged must be furnished with suitable clothing and money for necessary expenses, not exceeding $25.

7. Cost of Maintenance

2178. Indigent insane persons are maintained at the state hospitals at the expense of the state. The district attorney in each county must inquire into the ability of a person committed from his county to pay for his support at the state hospital and notify the commission in lunacy of the results.

2179. In case any person committed to any state hospital for the insane becomes the owner of property, the secretary of the state commission in lunacy may apply to a court of competent jurisdiction for the appointment of a guardian of his

2181. estate, which if sufficient is to be used for his support at the hospital. Payment may be enforced by the order of the judge of the superior court. But payment may not be exacted when, in case of the likelihood of such person recovering or being released from the hospital, it will reduce his estate to such an extent that, in the event of his discharge, he is likely to become a burden upon the community.

8. Criminal Insane

Penal Code, 1909. Sec. 1587. When the warden of one of the state prisons and such other officers as may be designated by the directors of the same to act with him in such cases, believe any convict to be insane, after proper examination, the warden must certify

the fact to the superintendent of one of the state asylums for the insane, and send the convict to the asylum. If at the expiration of the term of sentence the insane convict is still in the insane asylum, he must be allowed to remain there until discharged cured. When, in the opinion of the superintendent, the insane convict is cured of insanity, he must notify the directors of the prison and the warden who must receive the convict back into the prison, the time passed at the asylum counting as a part of his sentence. Before discharging a convict who may be insane at the time of the expiration of his sentence, the warden must notify a judge of the superior court of the county in which the prison is located of the fact of such insanity. The court must order the sheriff of the county to take the insane convict before the court. If satisfied after having him examined by medical experts that the convict is insane, the court must order him to be confined in one of the insane asylums.

2189. A patient committed to a hospital as criminal insane must upon certificate of recovery, approved by the superior judge of the county from which he was committed, be delivered to the sheriff of the county and dealt with as provided in the penal code.

CONNECTICUT

Authorities:

General Statutes of Connecticut, 1902

Public Acts of Connecticut, 1903, 1905, 1909

1. Administration and Supervision

2857. 2865. 2858. *a. General.* The state board of charities is composed of five members, two of whom are women, appointed by the governor for terms of four years, subject to removal by him for cause. The board must inspect all institutions in which persons are held under compulsion, to ascertain how they are treated and whether properly held and may correct any abuses found through the persons in charge of the institutions. 2862. The state institutions must be visited once in three 2766. months by at least one member of the board of each sex. All asylums in the state must be visited and inspected at least Acts of 1903, Chap. 143. once in six months. The board must make an annual report to the governor and general assembly.

b. Institutional, administrative and supervisory agencies. The state hospitals are under the immediate management of boards of trustees consisting of the governor and twelve trustees, appointed by the senate, one from each county and four from the vicinity of the hospital.

Duties and powers of the trustees. 2775. The trustees have charge of the general interests of the hospitals, appoint and remove all the officers and attendants, fix their compensation, and make rules and regulations for the conduct of the institutions.

2776. 2778. The superintendent must be a competent physician and may be authorized by the trustees to admit patients under special arrangement when there are vacancies.

2. Provisions for the Care of the Insane

a. In institutions—State. The state maintains two general hospitals for the insane. A number of state patients are also sent each year to a hospital which is a private corporation under a self-perpetuating board of directors.

Local. Harmless and incurable insane are provided for in a number of the almshouses, under the charge of the selectmen of the town who are the overseers of the poor.

Private hospitals for the insane must be licensed by the governor. An application for license must show the proposed location, the number of persons for whom accommodations will be provided, and the previous experience of the applicant in the care and treatment of the insane. The physician in charge must be registered and have at least three years' experience as medical attendant in some institution for the insane. The license may be revoked by the governor upon proof that the institution is improperly conducted. The penalty for carrying on a private hospital in violation of law is a fine of not more than $1,000 or imprisonment for six months, or both. Private hospitals for the insane. 2772.

3. Commitment

a. Classes committed. All insane persons who are residents of the state are entitled to admission to the state hospitals.

The keeper of any asylum in the state may receive and detain as a patient any person who applies in writing, but whose mental condition is not such as to render it legal to grant an order for his commitment as an insane person. Such a patient may be detained for not more than three days after having given notice in writing of his desire to leave the asylum. Voluntary commitment. 2762.

b. Legal procedure in commitment. The jurisdiction of the commitment of an insane person to a hospital is vested in the court of probate for the district in which the person resides, or in which he may be at the time of filing the complaint, except in cases where it is otherwise expressly provided by law. Courts of probate may exercise such jurisdiction only upon written complaint, which may be made by any person. If an insane person is at large and dangerous to the community, the selectmen of the town in which he resides or is at large, must make complaint. Except when otherwise specially provided by law, no person may be committed to a hospital for the insane without an order of a court of probate; except in cases of sudden and violent insanity, when he may be detained in a hospital for not more than 48 hours without special order of a court of probate, but proceedings must forthwith be commenced in that court. 2736. 2737.

Within ten days after a complaint has been filed, the probate court must appoint a hearing, giving due notice to the 2738.

person alleged to be insane and to others concerned. The court may also cause the person complained of to be brought before it to see and examine him, if in its judgment his condition or conduct renders it necessary and proper so to do, or state in its final order why it was not necessary or advisable so to do. While the proceedings are pending, the court may order the restraint of the alleged insane person. The court must require, in addition to any oral testimony, the sworn certificates of at least two reputable physicians, who are graduates of legally organized medical institutions and have been practitioners of medicine at least three years within the state, and are not connected with any asylum nor related to the complainant, nor to the person alleged to be insane. One of the physicians is to be selected by the court. The certificate of the physicians must state that they have personally examined him within ten days of the hearing, and that, in their opinion, he is insane and a fit subject for confinement in a hospital. If the court finds that he is insane and a fit subject for treatment in a hospital, it must order his commitment to a hospital, to be confined while the insanity continues, or until discharged in due course of law.

2739.

2740.

2741.

Commitment of insane pauper. Acts of 1905. Chap. 196, 1.

When a pauper in any town is insane, a selectman of the town may apply to the court of probate for the district in which the pauper resides for his commitment to a state hospital for the insane, and the court must appoint two reputable physicians to investigate the facts of the case and report to the court. If they find the pauper insane, the court may order a selectman or some proper officer forthwith to take him to one of the state hospitals for the insane.

2.

When an indigent person not a pauper is insane, application may be made by any person in his behalf to the court of probate for the district in which he resides, and said court must appoint two reputable physicians, and a selectman of the town of the indigent person to investigate the facts and report to the court. The selectman must include in his report a statement of the facts relating to the residence of the person, and an estimate of the value of his estate so far as it can be ascertained. If the court of probate is satisfied that the person is indigent and insane and a resident of any town

within its jurisdiction, it must order him to be taken to one of the state hospitals for the insane. The judge making the order of commitment must state the town of which the indigent insane person is a resident and the reported amount of his estate. No court of probate in this state may commit to an insane hospital within the state a person who is found by it not to be a resident of a town within the jurisdiction of the court.

Whenever a court orders the admission of a pauper or indigent person to a state hospital for the insane, it must record the order, and give a certified copy of it and of the proceedings to the person by whom the patient is to be taken to the hospital and transmit a copy to the governor. In case neither of the state hospitals for the insane can accommodate the person to be committed, the court may commit such person to another suitable asylum or hospital. 3.

An insane pauper not a resident of any town may be committed by the governor to any suitable place of detention, upon the presentation of a sworn certificate signed by a reputable physician that he has found the pauper insane. 7.

A person who has suddenly become violently insane may be taken to any suitable public or private place of detention, and held for not more than 48 hours without special order of a court of probate, on the certificate of one or more reputable physicians, after a personal examination made within one week of the date of the certificate. The certification must be duly acknowledged before a magistrate who shall certify to the reputable standing of the signer, but in such cases the person in charge must cause proceedings for commitment to be commenced at once. 8.

c. Appeal from commitment. Any person, relative or friend has the right to appeal from the order of the court on behalf of any person found to be insane. The court of probate, on such appeal, must order notice given to the parties to the proceedings and to other persons as it may deem proper; and may require an appellant to give bond to pay all legal costs and expenses of the hearing if successful. On the trial of an appeal, the superior court may require the state's attorney to be present, for the protection of the interests of 2751. 2752.

2754. the state and public. Pending an appeal to the superior court, it may make provisions for the care of the person complained of.

Insane persons entitled to writ of habeas corpus. 2760. All insane persons confined in an asylum in the state are entitled to the benefit of the writ of habeas corpus, and the question of insanity must be determined by the court or judge issuing it. If the court decides that the person is insane, this decision is no bar to issuing such writ a second time, if it is claimed that the person has been restored to reason.

Commission to inquire whether person is wrongfully confined. 2770. On information that any person is unjustly confined in any insane asylum, or in any neighborhood hospital in this state, or in the custody of any individual under an order of a court of probate, any judge of the superior court may appoint a commission of not less than two persons to inquire into the case. If in their opinion the party is not legally detained, or is cured, or his confinement is no longer beneficial or advisable, the judge must order his discharge; but no commission may be appointed with reference to the same person oftener than once in six months. The judge before whom the proceedings are had may tax reasonable costs at his discretion.

2758. *d. Cost of commitment.* All fees and expenses incurred by commitment proceedings must be paid out of the estate of the found insane person, if he has sufficient estate, and, if not, by his relatives liable to support him, if of sufficient ability, and if there are none such, then by the town to which he belongs. In case the person is found not to be insane, the fees and expenses must be paid by the complainant.

4. Conveying Patients to the Hospital

2741. In appointing a person to convey the insane patient to the hospital, the court must give preference to a near relative or 2750. friend of the insane. Unless a female patient is in charge of a member of her own family, the court must direct that at least one adult female shall accompany her.

5. Transfer of Patients

Acts of 1905. Chap. 196, § 6. The governor may at any time cause an inmate to be transferred from one state hospital to another as circumstances, in his judgment, may require.

6. Parole and Discharge of Patients

The superintendent of any institution for the insane may, under such restrictions or agreements as he deems proper, permit any inmate to leave the institution temporarily, in charge of his guardian, relatives, friends, or by himself, for a period of time not exceeding six months. The original order of commitment remains in force and effective until the patient is officially discharged by the authorities of the institution. He may be returned by his guardian, relatives, or friends, or by himself, or may be recalled by the authorities of the institution at any time during the six months. The expense, if any, of such recall or return is, in the case of an indigent, to be paid by those responsible for his support, or, in the case of a pauper, by the town of which he is a resident. Acts of 1909, Chap. 33, 1.

Any person held in confinement as an insane person under the order of a court of probate may, upon proper application and satisfactory proof that he has been restored to reason, be ordered discharged by such court. Statutes, 1902, 2756.

7. Cost of Maintenance

In the case of an insane pauper, the town whose selectman applied for commitment must pay $2 per week for his support at the hospital, the balance being paid by the state. In the case of an indigent person not a pauper, the person making the application must pay $2 per week for his support, the balance being paid by the state. If the person legally obligated to pay fails to do so the hospital authorities must notify the treasurer of the municipality of which the indigent insane person was a resident prior to commitment, and if the default continues for four years, the person must be deemed a pauper and his support, including arrears, is then a charge upon the municipality. Provision is made for the recovery by a town from a person liable for the support of a patient or from any town to which a person is chargeable. Acts of 1905, Chap. 196, 1. 2.

The support of insane paupers who are not residents of any town in the state (who may be committed by the governor to any suitable place of detention) is paid by the state to an amount not exceeding $3.50 per week. 7.

8. Criminal Insane

Examination of accused who appear to be insane. 1472.

When a person committed for trial to the county jail appears to be insane, a judge of the superior court on application of the sheriff may appoint three physicians to examine him; and if the physicians find him insane, the sheriff must, upon the order of the judge, transfer him to the Connecticut Hospital for the Insane at Middletown, until the time of his trial.

Disposition of accused acquitted on the ground of insanity. 1473.

Any superior court, criminal court of common pleas, city court, or police court, before whom any person is tried on criminal charge, and acquitted on the ground of insanity, may order him to be confined in the Connecticut Hospital for the Insane for such time as the court shall direct, unless some person undertakes under bond to the state to confine him in such manner as the court may order.

Release of person committed under preceding section. 1474.

Any person tried on any criminal charge who has been acquitted on the ground of insanity or dementia, and confined in the Connecticut Hospital for the Insane, may petition, or the officers of the institution may petition, the superior court of the county in which he is confined for his discharge. The petition must be served like civil process on the selectmen of the town to which he belongs, and upon the person, if any, upon whom the offense was charged to have been committed, and upon the state's attorney of the county in which the trial was had. The state's attorney must represent the state on the application.

Confinement of person acquitted on insanity. 1475.

When a person, tried on any criminal charge and acquitted on the ground of insanity, has been confined in a hospital for the insane for a specified term, and is found still to be suffering from insanity at the expiration of the term, the superintendent of the hospital must certify the facts to the state's attorney for the county wherein the trial was had, who must procure from the court an order for the confinement of the person in the hospital until his recovery.

2782.

When in the opinion of the jailer of any common jail, a prisoner appears to be insane, he must immediately report the fact to the governor, who shall appoint a commission of not more than three experts to examine the prisoner. If the commission find the prisoner insane, the governor, having

approved its report, must order him committed to the Connecticut Hospital for the Insane until the expiration of the term for which he was committed, or until he has recovered from his insanity. If the prisoner has recovered his reason before the expiration of the term for which he was committed, the superintendent of the hospital must report the fact to the governor, who shall appoint a commission to examine into his sanity; and if he has ceased to be insane, the governor must order his return to the jail.

2784. When a convict, transferred from a county jail to the Connecticut Hospital for the Insane, is confined as insane at the time of the expiration of the term of imprisonment for which he was committed, the superintendent must certify the facts to the governor, who may order the detention of the person until he has recovered from his insanity.

COLORADO

Authorities:

Session Laws of Colorado, 1891, 1893
Revised Statutes of Colorado, 1908

1. Administration and Supervision

Session Laws, 1891, 1.

a. General. The state board of charities and correction is composed of six persons, appointed by the governor for terms of six years. The members serve without compensation.

2. The board has power to investigate the whole system of public charitable and correctional institutions which derive their support wholly or in part from state, county or municipal appropriation. Officers of such institutions must furnish the board such information, statistical or otherwise as may be demanded. The board must make a biennial report to the governor.

Board of county visitors. Session Laws, 1893, 1.

The probate judges of the several counties appoint for terms of three years six persons, three of whom must be women, to constitute a county board of visitors.

2. Each board must visit at least once in three months all charitable or corrective institutions that are under county or municipal control and recommend necessary changes and

3. improvements. Each board must file an annual report with the state board of charities and corrections.

b. Institutional, administrative and supervisory agencies.

4151. The management of the state asylum for the insane is vested in a state board of lunacy commissioners of three members, appointed by the governor for terms of six years, who receive a compensation of $600 each per annum.

4152. The board of lunacy commissioners has full control and supervision of all the property, grounds and buildings of the institution, and its entire government. They prescribe rules and by-laws for the management of the asylum and its inmates, and for the government of its officers and employees, and must make proper provisions for the reception, treatment, discharge and transfer either from or to other institutions, or from the asylum to family care, and the return therefrom

4154. of all inmates who may be committed to the asylum. The commissioners appoint a superintendent to hold office during

their pleasure, who must be a physician, a graduate of an incorporated medical college, of at least five years' actual experience in a hospital for the treatment of the insane. The commissioners may provide for an assistant superintendent who must be a physician of at least five years' practice in his or her profession, two or more resident physicians, one of whom must be a woman, and for such other assistants and employees as may be necessary, and fix their respective salaries. All assistants and employees are selected and appointed by the superintendent, subject to the approval of the commissioners, and hold their positions subject to rules and regulations of the commissioners. 4155. 4154.

The hospital for the insane maintained by the city of Denver is under the control of the municipal authorities.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital for the insane, with a separate ward for the criminal insane.

Local. The city of Denver maintains a department for the insane connected with the city and county hospital. Insane persons who can not be provided for in the state hospital may be maintained in the county infirmaries, under the control of the board of county commissioners, the chairman of which is ex-officio overseer of the poor.

3. Commitment

a. Classes committed. All insane persons are entitled to admission to the state hospital.

The superintendent of a hospital or other institution for the treatment of the insane may receive and detain as a patient any person who desires treatment and makes written application therefor, but whose mental condition is not such as to render it legal to grant a certificate of insanity in his case; but no patient may be detained more than three days after having given notice in writing of his intention or desire to leave. Voluntary patients must pay their cost of maintenance. Voluntary patients. 4160.

b. Legal procedure in commitment. Whenever a reputable person files with the county court a duly verified complaint 4127.

(or whenever such complaint is filed with the county court by an authorized medical examiner) alleging that any person in the county is so insane or distracted in his mind as to endanger his own person and property or the person and property of others, if allowed to go at large, the county court must have the patient taken into custody. If a sheriff or constable finds such an insane person at large in his county, he must apprehend him without an order of court. The insane person so arrested is then taken before the county court, and if he so elect, an inquest must be held without delay, and until its determination, he must be confined in a hospital or in some suitable place to be designated by the court. If it be found in the verdict of the jury that the alleged insane person is dangerous if allowed to go at large, the county court must order his immediate transfer to the state insane asylum.

4128. No inquest of lunacy must be held until at least ten days' previous notice has been given the alleged lunatic and the guardian *ad litem* to be appointed by the court, requiring the alleged lunatic to attend, unless he elects that the inquest be held sooner. When the guardian *ad litem* and the examiner in lunacy endorse upon the citation that it would be for his best interests to hold an inquest of lunacy forthwith, or upon less than ten days' notice, it may be held with the approval of the county judge and the alleged lunatic not objecting. Every inquest in lunacy must be brought in the name of the people of the state of Colorado, and be prosecuted by the county attorney of the respective counties, or in case of his absence or inability, by a duly qualified attorney or other suitable person. No inquest may be had as to the lunacy of any person charged with a criminal offense until like notice has been given to the district attorney or other officer charged by law to prosecute him.

Insane person not to be confined in jail. 4138. No insane person may be confined in any city or county jail unless he is violent and his absolute safety demands such confinement, and then only upon an order from the county court, under the penalty of a fine of $10 to $100 or imprisonment for 10 to 90 days, or both. Under no conditions may he be confined in any jail for a longer period than ten days.

A physician testifying to the insanity of any person for the purpose of securing his commitment to custody must be of reputable character, a graduate of some incorporated medical college, a permanent resident of the state, in the actual practice of his profession, and not connected with any institution for the insane. The possession of such qualifications must be certified by the judge of a court of record, and his certificate shall constitute such physician an examiner in lunacy. To act as medical examiner in lunacy cases without authority is punishable by a fine of $50 to $300 or imprisonment from 30 to 90 days, or both. This provision does not prevent the superintendent from testifying in lunacy cases. Physician examiner in lunacy. 4139. 4140.

c. Appeal from commitment. A person, not committed or detained for any crime or supposed criminal matter, who is restrained of his liberty, may apply for a writ of habeas corpus to the circuit or district court. The application, signed by the party or some person on his behalf, must state the facts concerning his confinement and in whose custody he is detained. 2918.

Any county court or county judge in the state is authorized to issue the writ of habeas corpus in the absence of the circuit court or district court. 2939.

d. Cost of commitment. Expenses attending any inquest in insanity are paid out of the estate of the insane by the conservator upon the order of the county court, but if there is no estate, or if any original inquest results in discharge, the county commissioners of the proper county must allow them. 4130.

4. Conveying Patients to the Hospital

The judge of the county court must designate some trained attendant to accompany the insane patient to the state insane asylum, and every female patient must be accompanied by a female attendant unless accompanied by her husband, father, brother or son. Upon the application of any suitable relative or friend of such insane person, the county court must permit such relative or friend to accompany the patient to the state asylum. The court may, however, in its discretion, instead of committing the patient to the state insane asylum, designate some hospital or other suitable place. 4127.

5. Transfer of Patients

6. Parole and Discharge of Patients

4130. The superintendent of the state asylum has the power to issue a probationary discharge if he believes it to be for the best interest of any patient under his control. When any person confined in the state insane asylum has been restored to reason, the superintendent must discharge him and notify the judge of the county court by which the patient was adjudged insane that the insane person has been restored to reason and discharged.

4131. Insane paupers when discharged must be furnished with a sum of money, clothing and transportation to their homes.

If a reputable person present to the county court of any county where a person is confined as an insane person, other than in the state insane asylum, an application in writing for his discharge on the ground that he has been restored to reason, the court must appoint two reputable physicians to make inquiry, and at least one of whom must not be officially connected with the institution where the patient is confined. If it is found that the patient has been restored to reason, he must immediately be set at liberty.

7. Cost of Maintenance

4129. In case any person adjudged a lunatic has no friend or relative who will assume his custody and care, the county court must order the lunatic to be placed in the state insane asylum, or other hospital or place, suitable for the treatment of the insane. If a lunatic has any estate in the hands of his conservator, duly appointed by the court, an account for the keeping of the lunatic must be rendered by the proper authorities of the asylum or hospital or the owner of any other place where he has been treated, to the county court, by which commitment was ordered, and upon the further order of the court the conservator must pay the account. If the lunatic has no estate, the account must be presented to the county commissioners of the county, and paid out of the county treasury. But no such account for treatment in the state lunatic asylum may be presented.

Whenever any county expends any money in the necessary support, maintenance or preserving in custody of any lunatic pauper, the county must be reimbursed from the fund for the support of the insane by the auditor of the state. 4135.

8. Criminal Insane

There may be committed to the ward for criminal insane: dangerous persons who have committed high crimes or misdemeanors; persons charged with committing such crimes who are believed to feign insanity or in regard to whose insanity there may be so great a doubt so as to require the investigation of examiners; persons acquitted of such crimes on the ground of insanity; persons charged with the commission of any crimes who become insane before trial or sentence; persons becoming insane while in prison after conviction of any crime, and continuing insane throughout the term of sentence, who have no friends or relatives to whom they may be delivered at the expiration of sentence; and insane convicts generally whose insanity has been ascertained, and who may be transferred from penal institutions. 4142. 4143.

Upon the recovery of any person who has been transferred from the state penitentiary or state reformatory to the state asylum, it is the duty of the superintendent of the asylum to notify the warden of the state penitentiary or state reformatory, who must transfer the person to the place of his former commitment for the purpose of serving out his sentence, if it has not expired. 4145.

DELAWARE

Authorities:

Revised Codes of Delaware of 1852 as amended in 1893
Laws of Delaware, 1898-9; 1904-5; 1909, 1911

1. Administration and Supervision

a. General. The state is without a board having general supervisory powers over the insane.

Code, 1893, Chap. 49. Chap. 553, 1.

b. Institutional, administrative and supervisory agencies. The state hospital for the insane is under the management of a state board of trustees of nine members, three from each county who are appointed by the governor for terms of three years. One trustee from each county must be a physician in good standing.

2. The state board of trustees has sole and complete control and management of the Delaware State Hospital at Farnhurst, appoints physicians, stewards, matrons, nurses and all other necessary servants, and advises their terms of service as well as their pay; provides suitable food, raiment, medicine and all other things necessary for the comfort and improvement of the hospital. The trustees of the state hospital also control and manage the department for insane at the New Castle Almshouse.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one hospital for the insane, with separate wards for white and colored patients.

Local. The New Castle County Almshouse has a department for indigent insane.

3. Commitment

6. *a. Classes committed.* All indigent insane persons must be admitted to the hospital upon the written order of one of the board of trustees, or upon the written order of any two trustees of the poor of either county, or by the chancellor of the

7. state. The board of trustees may also receive insane patients from other states who are able to pay for their maintenance and support. Insane who are residents of the state may be received as pay-patients.

b. Legal procedure in commitment. Before a patient can be received at the hospital a certificate must be filed with the superintendent, made and signed by at least two physicians, residents of this state, who have been actively engaged in practice in the same state and county as that in which alleged insane person resides. The certificate must state that the physicians have separately examined the person, that they believe that his disease requires hospital care and treatment; and that they are in no way related by blood to or connected by marriage with him, nor in any way connected with the hospital. The commitment papers of any inmate of the New Castle County Almshouse must be signed by at least one of the physicians required by law to examine patients committed from the city of Wilmington. The certificate must be made within one week after the examination of the person, and within two weeks of the time of the application for admission to the hospital. In all cases, the certificate and other papers must be accompanied by an order of admission, signed by one or more of the trustees of said hospital. Commitments to the hospital made by the chancellor, or any court of the state, as provided by law, are exempt from the above provisions.

Code, 1893, Chap. 49, Chap. 644, 1.

Laws of 1909, Chap. 119.

(Code) Chap. 644, 2.

5.

6.

The state board of trustees of the state hospital are required to appoint two physicians, of different schools of medicine, residing in the city of Wilmington, for a term of three years. No person may be admitted to the state hospital upon the certificate of any physician living in the city of Wilmington, unless it is signed by at least one of the physicians appointed by the state board of trustees.

Special examining physicians for the city of Wilmington. Laws of 1904. Chap. 121.

When the relatives or friends of any indigent insane person, or a citizen of the state, apply to the chancellor, either personally or by petition, presenting the certificate of two practicing physicians giving the county wherein the person resides, one of whom must be the regular physician of the almshouse of the county, stating the facts of his insanity, and the necessity of better medical treatment of such case than can be afforded in the almshouse, the chancellor, if satisfied with the proofs of insanity offered, must refer the application to the trustees of the poor of the county for information. If

Proceedings in committing indigent insane. Chap. 92. 1.

they make reports satisfactory to him, he must recommend in writing to the governor that the indigent insane person be removed to the insane department of the New Castle Almshouse.

Laws of 1898. Chap. 77.

c. Appeal from commitment. A person committed to the state hospital or any one person related to the person committed within the third degree of consanguinity or any other three persons may present a sworn petition to the chancellor at any time stating that they believe him to be sane and asking for a writ to the sheriff of the county to determine whether he is a sane or an insane person. The chancellor must then issue a writ de lunatico inquerendo to the sheriff, commanding him within five days after the service to summon a jury to determine the case, and return the findings by the jury to the chancellor within two days. If the jury finds the person sane, the sheriff must send an order to the superintendent of the hospital for the release of the person. The commitment of any person does not raise any presumption against his sanity.

Code, Chap. 49, Chap. 553, 6.

d. Cost of commitment. The expenses of the examination of an indigent insane person and of his removal to the state hospital must be paid by the county of which he is a resident.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

The superintendent has authority, with the consent of the trustees, to discharge a patient who has recovered.

When indigent insane may be returned. 3.

When the principal physician of the insane department of the New Castle Almshouse represents to the trustees of the poor of the county in which the insane person may have resided, that he has recovered or is so far improved that his further detention is unnecessary, or that he is incurable, he must be discharged from the institution upon the written request of the trustees of the poor, or, if incurable, be returned to the almshouse of his county of residence.

7. Cost of Maintenance

Indigent insane are supported at the cost of the county of their residence. When an insane person is able to support

himself, the state board of trustees have authority to collect the necessary money out of his property, after reasonable provision is made for the maintenance and education of his family. The expense of caring for a criminal insane person is paid by the trustees of the poor of the county of his residence or in which the criminal act was committed.

8. Criminal Insane

If, at the trial of a person on an indictment, the defense of insanity is established to the satisfaction of the jury, it must return a verdict of "not guilty by reason of insanity." The court must thereupon order the person committed to the keeper of the almshouse of the county wherein the case was tried, or of the county of his residence; or the court may order him placed in any lunatic asylum or institution for insane persons in the United States. For this purpose the court may appoint a trustee to contract with any asylum or institution for the admission and support of such insane person. The expenses of the removal of such insane person, and of his support at the hospital or institution, must be paid by the trustees of the poor of the county where the act charged was committed, or of the county of the insane person's residence. The court having tried the case may order an insane person acquitted as above set at large if satisfied that the public safety will not be endangered, or may order his removal from any hospital to the almshouse of the county where he resided at the time of the commission of the act charged, or county where the act was committed.

Trial of insane person upon indictment. Chap. 397, 1.

2.

If in a capital case the prisoner becomes insane after conviction and before sentence, the court has power to appoint a commission, two at least of whom shall be practicing physicians, to inquire into the mental condition of the prisoner and make a report to the court. If the commission find the prisoner insane, he must be remanded to the custody of the sheriff until the further order of the court. Should he recover his reason after such remand, he must receive the sentence appointed for his crime. Whether the prisoner has recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

Chap. 79, 1.

2.

DISTRICT OF COLUMBIA

Authorities:

Revised Statutes of the United States
Code of Law of the District of Columbia, 1910

1. Administration and Supervision

a. General. The board of charities of the District has power, under the order of the District commissioners, to investigate and report upon the government hospital for the insane in common with other charitable institutions of the District.

b. Institutional, administrative and supervisory agencies.

Board of visitors. 4840. Nine citizens of the District of Columbia, appointed by the President, constitute the board of visitors of the hospital. The board of visitors who serve without compensation may, subject to the approval of the Secretary of the Interior, make any needful by-laws for the government of the superintendent, 4842. his employees and for the patients. They are required to visit the hospital at stated periods, exercise a careful supervision over its expenditures, and make an annual report to the Secretary of the Interior.

4839. The superintendent of the hospital is appointed by the Secretary of the Interior.

2. Provisions for the Care of the Insane

4838. The government hospital for the insane is the one public institution of this kind in the District.

3. Commitment

a. Classes committed.

4843. 1. Insane persons belonging to the Army, Navy, Marine Corps, and Revenue-Cutter Service;

2. Civilians employed in the Quartermaster's Pay and Subsistence Department of the Army;

3. Men who while in the service of the United States in the Army, Navy or Marine Corps, have been admitted to the hospital and subsequently discharged, but who within three years after such discharge become insane from causes existing

at the time of such discharge, and have no adequate means of support;

4. Indigent persons who have been in either of the services mentioned and discharged therefrom on account of disability arising from insanity;

5. Indigent persons who become insane within three years after their discharge from such service from causes which arose during and were produced by the service;

6. Inmates of the National Soldiers' Home; Act of 1882, 22 Stat., 330.

7. All persons who having been charged with offenses against the United States are in the custody of its officers, and all persons who shall have been convicted of any offense in any court in the District of Columbia and imprisoned in any state prison or penitentiary, and who during their term of imprisonment have become insane; 4852.

8. Insane criminals and persons charged with crime in the courts of the District of Columbia; 4851.

9. Indigent insane who are residents of the District of Columbia (non-residents of the same class are admitted only for temporary care); 4844.

10. Private pay patients from the District of Columbia who may be received at the hospital whenever there are vacancies. 4853.

b. Legal procedure in commitment. Proceedings in cases of indigent insane residents of the District of Columbia and insane persons having dangerous tendencies are instituted upon petition of the commissioners of the District of Columbia to determine the mental condition of alleged indigent insane persons and persons alleged to be insane with homicidal or otherwise dangerous tendencies. All writs de lunatico inquirendo issue from the equity court, and the justice holding such court presides at all inquisitions of lunacy, and when necessary may call jury from either the circuit or the criminal court, or may summon a special jury for such inquisitions. Code, 115a.

An insane person within the District may be apprehended and restrained without warrant by any member of the metropolitan police or any other official in the District authorized to make arrests. He must at once file his affidavit with the superintendent of the metropolitan police that he believes the person in question to be insane, incapable of taking care Temporary commitment of insane persons. Act of 1904, 33 Stat., 316.

of himself and his property, and dangerous to the public
Some near relative or friend of the person in the District
2. must immediately be notified. The superintendent of the metropolitan police is authorized to order the apprehension and detention without warrant of any indigent person alleged to be insane or who has homicidal or dangerous tendencies and found elsewhere than in public places, upon the affidavits of two or more responsible residents, which must state that they believe the person to be insane, the length of time they have known him, and that they believe him to be incapable of managing his own affairs and dangerous to the public, if allowed to go at liberty. But before the apprehension is ordered, the superintendent of the metropolitan police must require the certificate of at least two physicians who shall certify that they have examined the person alleged to be insane and that he should not be allowed to remain at liberty, and
3. that he is a fit subject for treatment. The commissioners of the District of Columbia are authorized to place in the government hospital for the insane for a period not exceeding thirty days, indigent persons alleged to be insane residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies apprehended and restrained as provided above, pending their formal commitment to the hospital or their transportation to their
4. homes when their places of residence are ascertained. The commissioners of the District of Columbia may authorize the temporary commitment of the above named insane persons for a period not exceeding thirty days in any other hospital in the District, which in the judgment of the health officer of the District is properly equipped for the care of such persons, pending the temporary commitment or formal commitment to the government hospital for the insane or to any other hospital or asylum. Such a person may be detained in any police station or house of detention pending arrangements for his temporary detention in the government hospital or other institution; or they may be detained there until formally committed, in case no other provisions are feasible. But if the superintendent of the government hospital for the insane, in the case

of commitment to it, or if two or more physicians in regular attendance at any other hospital or asylum to which a person has been committed for temporary care, or if two or more persons in the police or fire departments when a person is detained at the police station, certify in writing to the physicians of the hospitals in the District of Columbia, that he is not insane or has recovered his reason, the officials in question must at once discharge the alleged insane person and report their action to the commissioners of the District of Columbia.

Who may certify to sanity or insanity. 5.

No certificate as to the sanity or insanity of any person is valid if made by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Navy, Army, or Public Health and Marine Hospital Service; or by a physician who is not a permanent resident of the District of Columbia; or by a physician who has not been actually engaged in the practice of his profession for at least three years; or by a physician who is related by blood or marriage to the person whose mental condition is in question. No certificate is valid if made by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is officially connected with it. The penalty of a fine of not more than $500, or imprisonment for not more than three years, or both, is provided for making an affidavit without proper cause for the purpose of securing the detention or restraint of any person in the District of Columbia or for knowingly making a false certificate.

Appointment of guardian, 115a, Code.

In case any person adjudged to be of unsound mind has property, real or personal, the equity court has full power to appoint a committee or trustee of the person and estate of such person, who must reimburse, out of the funds of the lunatic, the District of Columbia for all costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating any such insane person up to the time of such appointment.

115b.

The equity court has full power to superintend and direct the affairs of persons *non compos mentis,* and to appoint a committee or trustees for such persons after hearing their

nearest relatives, if residing within the jurisdiction of the court, and to make such orders for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper.

Non-resident insane to be returned to their place of residence. Act of 1899, 30 Stat., 811.

The commissioners of the District of Columbia must, as soon as practicable, return to their places of residence or to their friends all indigent insane persons not residing in the District at the time they became insane who are detained in the government hospital for the insane, or who are committed to it temporarily. All necessary expenses incurred by the commissioners in ascertaining the residence of such persons or of their friends, and in returning them, are paid by the District.

Code, 1143.

c. Appeal from commitment. Any person restrained of his lawful liberty within the District, under any pretence whatever, or any person in his behalf, may apply by petition to the circuit court of the District for a writ of habeas corpus, to have the cause of the restraint inquired into.

1878.

d. Cost of commitment. All expenses incurred by the commitment of an insane person are chargeable to the District

4848.

of Columbia unless the person has estate in which case he is liable for them.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

Code, 115a.

Authority to discharge patients is vested in the superintendent. When a patient committed to the government hospital for the insane, or any other institution, recovers his reason and is discharged as cured, the superintendent of the government hospital for the insane, or the official in charge of any such other institution where such person has been under treatment, must immediately file with the clerk of the supreme court of the District of Columbia his sworn statement that the person, in his opinion, was at the time of his discharge of sound mind, and this statement shall be sufficient to authorize the court to

pass an order declaring the person restored to his former legal status as a person of sound mind.

7. Cost of Maintenance

One-half of the cost of support in the hospital of indigent insane from the District of Columbia is paid out of the revenues of the District and the other half from the treasury of the United States. Patients from the army, navy, marine corps, etc., are supported wholly at federal expense. Act of 1879, 20 Stat., 395.

If an insane person whose insanity commenced while he was a resident of the District of Columbia is able to defray a portion but not the whole of the expenses of his maintenance at the hospital for the insane, the board of visitors is authorized to make inquiry, and if it finds that he has property or more property than is required for the support of his family, it may make it a condition of admission to the hospital or of continued maintenance there, that such part of his expenses shall be paid from his property as a majority of the board may determine to be just and reasonable. 4849.

8. Criminal Insane Code, 927.

When a person tried upon an indictment or information is acquitted on the sole ground that he was insane at the time of its commission, the jury must so state in their verdict. When a person is indicted or charged by an information for an offense, and before trial or after a verdict of guilty, *prima facie* evidence is submitted that the accused is insane, the court may summon a jury to make inquiry into the insanity of the accused in the presence and under the direction of the court. If the jury finds the accused insane, or if he is acquitted solely on the ground of insanity, the court may certify the fact to the Secretary of the Interior, who may order him confined in the hospital for the insane, the person and his estate being chargeable with his support in the hospital. The person whose sanity is in question is entitled to his bill of exceptions and an appeal as in other cases.

Any person becoming insane while undergoing a sentence of any court of the District of Columbia for crime may be committed to said hospital for the insane, by order of the 928.

Secretary of the Interior, to receive the same treatment as other patients during the continuance of his disorder.

929. When a person confined in the hospital for the insane, who is charged with crime and subject to be tried or undergo sentence, is restored to sanity, the superintendent of the hospital must give notice to the justice holding the criminal court and deliver him to the court.

BOSTON MEDICAL
LIBRARY

FLORIDA

Authorities:

Public Statutes of Florida, 1906
Laws of Florida, 1907
Constitution of the State of Florida

1. Administration and Supervision

a. General. The state is without a board having general control or supervision of the insane.

b. Institutional, administrative and supervisory agencies. The state hospital for the insane is under the control and management of the board of commissioners of state institutions, consisting of the governor and administrative officers of the executive department. 1189. Constitution, Art. IV, 17.

The board employs a superintendent, physicians, other medical attendants and other persons necessary for the proper management and care of the insane, and of the hospital and the properties belonging to it. The board prescribes the powers and duties of the superintendent and of all the other employees, and requires of the superintendent a bond with sureties. 1189. 1190.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a general hospital for the insane, with separate accommodations for white and colored patients.

Local. Incurable harmless and indigent insane may be cared for by county commissioners of the different counties who are the overseers of the poor, and may support them at an almshouse.

3. Commitment

a. Classes committed. The destitute insane other than the incurable and harmless are cared for and treated at the state hospital for the insane. But the judge may in his discretion direct the insane person to be delivered to any other person for his care, custody and maintenance. 1195.

The superintendent of the state hospital, when directed by the board of commissioners of state institutions, may receive 1196.

any lunatic, idiot or insane person whose friends, parents or
1198. guardians are able and willing to pay for his care, custody and maintenance. In all such cases, the board of commissioners of state institutions prescribes the amount to be paid.

1200. *b. Legal procedure in commitment.* When a resident of the state is supposed to be insane, either *non compos mentis* or sufficiently devoid of reason to be incapable of self-control, a petition signed by five reputable citizens, not more than one of whom may be a relative of the person, stating their belief that he is insane, and asking that a legal examination be made, may be presented to the county judge or judge of the circuit
1201. court having jurisdiction. The county judge or judge of the circuit court to whom the petition is submitted must without unnecessary delay appoint as an examining committee one intelligent citizen, who is not a petitioner in the case, and two practicing physicians of good professional standing who are graduates of a school of medicine recognized by the American Medical Association, when such physicians reside in the county. This committee must secure the presence of the supposed insane person, and make a thorough examination to ascertain his mental and physical condition, and if considered insane, whether the insanity is acute or chronic, its apparent cause, the hallucination, if any, and the age and propensities of the subject, also whether he is indigent or possessing available means for his support. If the person alleged to be insane any time prior to the rendering of the decree in the case, applies to the court for permission to contest the charge of insanity, the court must appoint a hearing. If the accused is indigent and unable to procure the attendance of witnesses in his behalf, the court must summon a reasonable number of witnesses for him at the expense of the county.

1202. The examining committee must report its findings to the county judge or judge of the circuit court, and furnish the information called for in the preceding section, each of the three committeemen signing the report.

1203. On receiving the report of the examining committee, the county judge or judge of the circuit court, if satisfied that the person is insane, must order the sheriff of the county

from which the report is submitted to deliver at once the person adjudged insane to the superintendent of the hospital for indigent insane. The order of commitment must include a copy of the information and report by the committee and be transmitted by the sheriff to the superintendent of the hospital.

When the report of the examining committee shows that the alleged insanity is chronic, or produced by epilepsy or senility, and that the person does not require confinement or mechanical restraint to prevent self-injury or violence to others, but that he is indigent, the judge must find him incurably insane, harmless and indigent, and order the sheriff to deliver him to the county commissioners of the county where he resides for care and maintenance as by law provided for paupers. But if any responsible person will offer to assume the care and custody of any such harmless person without cost to the state or county, the judge or court may in his discretion so order. Provisions for incurable insane. 1203.

4. Conveying Patients to the Hospital

The superintendent of the hospital must send a nurse or some suitable person to transport a committed patient to the hospital. Laws of 1907, 1195.

5. Transfer of Patients

6. Parole and Discharge of Patients

7. Cost of Maintenance

8. Criminal Insane

When a person tried for an offense is acquitted by the jury on account of insanity, the jury, in giving their verdict of not guilty, shall state that it was given for such cause, and, if the discharge or going at large of such insane person is considered by the court manifestly dangerous, it must order him to be committed to jail or otherwise to be cared for as an insane person, or may give him into the care of his friends, on their giving satisfactory security for his proper care and protection, otherwise he shall be discharged. 3992.

GEORGIA

Authority:

Code of Georgia, 1911

1. Administration and Supervision

a. General. There is no state board in Georgia having general supervision or control of charitable institutions.

b. Institutional, administrative and supervisory agencies.
1571. The state hospital for the insane (State Sanitarium) is under the management of ten trustees, appointed biennially by the governor. The trustees have authority to prescribe all rules
1572. and regulations for the management of the institution, to
1573. appoint a superintendent, who must be a skillful physician, and all the officers, to fix their salaries and to remove from office for proper cause any officer.

1574. The trustees have authority to prescribe rules and regulations in regard to the admission and discharge of insane, epileptics, idiots and demented inebriates.

The department for insane convicts at the so-called state farm is under the control and management of the prison commission.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital for insane. The statutes require white and colored patients to be cared for in separate departments. Insane convicts are kept and treated at the state farm.

1578. *Local.* Harmless incurable insane may be cared for in the county poorhouses or otherwise taken care of by the county authorities. The poor farms are under the management of ordinaries of each county, who may appoint a commissioner of the poor.

3. Commitment

1576. *a. Classes committed.* All resident citizens of the state who are insane, idiots, epileptics or demented inebriates may
1597. be admitted, but the superintendent may refuse all harmless idiots and other harmless subjects that do not actually require
1599. treatment so long as there are any recent and dangerous cases

unprovided for. Pay patients, both resident and non-resident may be received; but citizens of Georgia have preference over non-residents when all can not be accommodated.

Admission of resident and non-resident pay patients. 1601.

b. Legal procedure in commitment. A pay patient, restrained in the state, may not be admitted unless accompanied by authentic evidence of insanity, or a certificate of three reputable practicing physicians, well acquainted with his condition, or from one such physician and two respectable citizens. A pay patient, not a resident of the state, may not be admitted unless producing an authentic record of a conviction by a competent court of a malady which, according to the law of the state, is a ground of admission, or a certificate of physicians endorsed by the judge having jurisdiction.

1603.

Trial of lunacy by jury. 1609.

Before or after admission of a pay patient, resident or non-resident, by certificate, the person alleged to be a lunatic, or his friend or relative, may demand a trial of the question of lunacy by jury, which must be had in the county of Baldwin.

Admission of insane Negroes. 1611.

The certificate of the ordinary of the county where an insane negro resides, of his condition, mental and pecuniary, is sufficient to grant his admission to the hospital.

Examination of persons as to capacity to manage his estate. 3092.

On the sworn petition of any person that another is liable to have a guardian appointed (or is subject to be committed to the state sanitarium), the ordinary after notice has been given to the three nearest adult relatives of such person must issue a commission directed to any 18 discreet and proper persons, one of whom shall be a physician, requiring any 12 of them, including the physician, to examine the person for whom guardianship (or commitment to the sanitarium) is sought. But in all lunacy cases the number of jurors is six, one of whom must be a physician, unless 12 are demanded by the person tried, or by his relatives or friends. The commission must find whether the person is to have a guardian appointed or to be committed to the state sanitarium, and make return to the ordinary, who must act accordingly.

3093.

Commitment by guardian 3010.

Guardians of insane persons may place them in the Georgia State Sanitarium, if such a course is necessary for their own protection or the safety of others, and a guardian wilfully failing to take this precaution is responsible for injuries inflicted on others by his ward.

Commitment by court. 3011.

When there is no guardian for an insane person, or the guardian refuses or fails to confine his ward, and any person makes oath that the insane person should not longer be left at large, the ordinary or the judge of the superior court must issue a warrant as in criminal cases for the arrest of the insane person and after an investigation of the facts may commit him to the state sanitarium, and may have him committed to jail until he can be removed to the sanitarium.

Absentees for three months must be recommitted in form. 1613.

A patient who is absent for as long as three months, either by discharge, elopement, or removal by friends, can not be received at the sanitarium without going through the process required by law.

Temporary disposition of patients. 1612.

When an application for admission is unattended by the requisite evidences, the superintendent of the sanitarium may receive and provide for the person for a reasonable time, provided a sufficient sum is advanced for his maintenance.

1610.

c. Appeal from commitment. A trial by jury may be had by all patients who have been convicted of lunacy, if a relative or friend will make an affidavit that he believes the alleged cause of commitment did not and does not exist, and that the conviction was obtained by fraud, collusion or mistake. The same right exists, when there is an affidavit that the cause of commitment has ceased to exist, and there is a refusal by the superintendent to discharge after demand made.

d. Cost of commitment. The expense of a commission in lunacy must be paid out of the estate of the insane person; and if he has none, out of the county funds. The cost of conveying a person to the state sanitarium is paid in the same manner.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

Upon recovery, patients must be discharged by the superintendent under rules prescribed by the trustees.

1578.

Upon the certificate of the medical officer of the institution, the trustees may discharge or remand to the county authorities of the county from which he was sent a patient whose condi-

tion is such that no probability exists of his full recovery, and who at the time is regarded as harmless.

7. Cost of Maintenance

When a person has been convicted of a malady, requiring him to be committed to the sanitarium, the court presiding at the trial must certify if he is a pauper, that is, in whole or in part supported by the county, or where the county is liable for his support. If there are persons who by law are bound and able to support him, the names of such persons must be given and the expense collected from them. If he has means enough to support himself in part, the amount of such means must be stated, and must be paid toward his support. A certificate of pauperism entitles the person to be supported at the expense of the state. If a patient committed as a pauper or as of limited means, becomes entitled to an estate, the estate is bound for his support according to its value. 1605. 1606. 1607.

8. Criminal Insane

When a person has been guilty of a capital crime and acquitted on the ground of insanity and is committed to the sanitarium, he must not be discharged except by special act of the legislature. If the crime is not capital, he may be discharged by warrant or order from the governor. If sentence is suspended on the ground of insanity, the superintendent upon his restoration to sanity must certify the fact to the presiding judge of the court where he was convicted. 1614.

A convict sentenced to the penitentiary who becomes insane must be removed to and kept at the prison farm during the term for which he may have been sentenced, or until he is cured. Insane convicts to be cared for at state farm.

IDAHO

Authorities:

Revised Codes of Idaho, 1909

1. Administration and Supervision

a. General. The state of Idaho is without a state administrative or supervisory board of charitable institutions.

b. Institutional, administrative and supervisory agencies.

752. The state hospitals are under the management and control of a board of directors, consisting of three persons, appointed by the governor for terms of two years in the case of one institution, and three years in the case of the other. Each board elects a medical superintendent of the hospital, to hold office during its pleasure. It appoints all officers and employees, prescribes their duties and may remove them when in its judgment the good of the public service so requires; it makes regulations and fixes the terms for the admission of insane persons who are not indigent or who are not residents of the state. The board must visit the hospital once in three months. The board is required to make an annual report to the governor and a biennial report to the legislature concerning all matters that pertain to the hospital.

Powers and duties of board of directors.

753.

757. The medical superintendent must be a graduate in medicine

759. and must have practiced his profession five years. With the consent of the board of directors, he fixes the number and compensation of and appoints and removes the attendants and assistants.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane.

Local. The county poorhouse where such exists may care for insane persons placed therein by the board of county commissioners.

3. Commitment

767. *a. Classes committed.* All insane persons except idiots,

780. feeble-minded and those suffering from delirium tremens or a contagious or infectious disease, may be admitted to the hospital.

No insane person non-resident of this state, must be received into the asylum unless he became insane within the state, and the indigent insane of the state must have preference. 768.

b. Legal procedure in commitment. Whenever it appears by affidavit to the satisfaction of a magistrate of the county that any person within the county is so far disordered in his mind as to endanger health, persons or property, he must cause such person to be arrested and taken before any judge of a court of record within the county for examination. Two or more witnesses, best acquainted with such insane person and at least one graduate of medicine must testify at the examination. 770.

If the physician after hearing the testimony and making the examination believes such person to be dangerously insane, he must make a certificate in the form prescribed by the medical superintendent of the asylum, showing that such person is so far disordered in his mind as to endanger health, person or property; the premonitory symptoms, apparent cause or class of insanity, the duration and condition of the disease, etc. 775. Certificate of physician.

The judge after such examination and certificate, if he believes the person so far disordered in his mind as to endanger health, person or property, must make an order that he be confined in the insane hospital. Order of commitment. 777.

c. Appeal from commitment. Upon petition on behalf of any person restrained of his liberty, the writ of habeas corpus may be granted to the circuit court or by the district court.

d. Cost of commitment. The expenses of the agent, his necessary assistant, and of the insane person when transferred to the hospital, are paid by the hospital. 781.

The physician attending the examination of an insane person is paid by the treasurer of the county where the examination was had. 782.

The judge must inquire into the ability of an insane person committed by him to the asylum to pay for his transportation to the asylum, and the expense of the examination, and bear the actual charges and expenses for the time that such person may remain in the asylum. In case an insane person committed to the asylum is possessed of real or personal property sufficient to pay such charges and expenses, the judge must 783.

appoint a guardian for him, who must pay to the board of directors the sum fixed upon by them each month, quarterly in advance, for the maintenance and clothing of such ward.

4. Conveying Patients to the Hospital

778. An insane person, ordered to be committed, must be delivered to the sheriff of the county and by him to the agent appointed by the medical superintendent to convey the insane person to the asylum. Upon receipt of notice from the
781. sheriff, the medical superintendent must at once designate some person among the employees of the asylum as an agent to transport such insane person to the asylum. Such agent (and assistant if any be appointed) must at once convey the insane person to the hospital and surrender him to the medical superintendent; and the latter shall at once notify the governor that the insane person has been received.

5. Transfer of Patients

6. Parole and Discharge of Patients

765. Insane persons received in the asylum must upon recovery be discharged therefrom.

7. Cost of Maintenance

The expense of maintaining insane patients at the hospital is borne by the state unless the inmate has sufficient estate to pay it.

8. Criminal Insane

Insane convicts must be received into the insane hospital and returned to the state prison when cured in case their sentence at the time of recovery has not expired.

ILLINOIS

Authorities:

Revised Statutes of Illinois, 1908
Laws of Illinois, 1909
Laws of Illinois, 1912

I. Administration and Supervision

a. General. Executive and administrative supervision over all the state hospitals for the insane is exercised by a board of administration. It is composed of five members, no more than three of whom may belong to the same political party, appointed by the governor for terms of six years, who receive an annual salary of $6,000, and are required to devote their entire time to the duties of their positions. One member of the board must be qualified by experience to advise the board in regard to the care and treatment of the insane.

Laws of 1909, page 104, 4 (A).

4 (D).

4 (A).

In addition to succeeding to all rights and duties of the former boards of managers for hospitals so far as property rights are concerned, the board of administration regulates the admission of patients to state hospitals and for that purpose maintains hospital districts; appoints and removes superintendents of these institutions, and, subject to the civil service law, appoints all employees and fixes their salaries; investigates all private institutions for the insane, makes stated visits to the hospitals for the purpose of inspection and oversight; and holds meetings with the superintendents of hospitals and the charities commission to consider in detail all questions relating to the treatment and care of the insane.

Duties and powers of board of administration. 4 (F).

19.

4 (J).

All other than state institutions giving treatment and care to persons suffering from mental and nervous diseases must provide the board of administration with detailed information from time to time, regarding their physical equipment and medical and nursing service, and furnish it a certified statement every three months, giving the admissions, deaths and discharges during the previous three months. The board must license such institutions as it deems suitably equipped and conducted, and no person may be committed to or received in any such institution not having a valid license from the board

Private hospitals to be licensed. Laws of 1909, page 120, 28.

under a penalty of a fine from $50 to $1,000, or imprisonment for not more than six months, or both.

Charities commission. Laws of 1909, 5 (A). 5 (D). 5 (E).

The charities commission, consisting of five members, not more than three of whom may belong to the same political party, appointed by the governor for terms of five years, and serving without compensation, has the duty of investigating the condition and management of the state hospitals for the insane, among other institutions, and must make an annual report to the governor with suggestions and recommendations. Superintendents of hospitals must furnish the commission with such information and statistics as it may require.

b. Institutional, administrative and supervisory agencies.

Laws of 1909, page 110, 6.

All the former duties and powers of the boards of managers of the several hospitals have been assumed by the board of administration.

Boards of visitors. Laws of 1909, 7 (A). 7 (C).

A board of three visitors must be appointed by the governor, with the consent of the senate, for each hospital, to serve for six years without compensation. One member of each board must be a woman. The duty of such board is to maintain an effective inspection of its respective institutions and make annual reports to the charities commission of the results of inspections.

2. Provisions for the Care of the Insane

Laws of 1909, page 103, 2.

a. In institutions—State. The state maintains six general hospitals and one asylum for the dangerous insane. Connected with one of the hospitals is a psychopathic institute.

Local. Cook county (Chicago) maintains a separate county hospital for the insane. One other county has an insane department.

State care of insane. Laws of 1909, Page 117, 20.

The board of administration is required to remove insane persons from county almshouses to state hospitals. After sufficient accommodation has been provided in state institutions for all the pauper and indigent insane of all the counties of the state, the cost of clothing and other incidental expenses of county insane patients may not be a charge upon any county, but upon the state. These provisions do not include counties of more than 150,000 inhabitants until all the counties with a smaller population have been provided for. When a county of more than 150,000 inhabitants desires to have its insane

placed under state care, the county board must make application to the governor for the transfer of all property used as a county asylum to the state for the same purpose. If the board of administration approves the transfer, the county insane asylum is to be converted into a state hospital, and its inmates become wards of the state. After the state has assumed complete care of the public insane, no insane person is permitted to remain under county care, but all public insane must be committed to state hospitals, or to private hospitals for the insane. 21.

Each managing officer of a hospital for the insane must develop occupations that serve the mental, moral and physical improvement, or the happiness of the inmates; and it is the duty of the board of administration to co-ordinate these activities as will best serve an educational economical and efficient administration of all the institutions. Occupation for inmates. 29.

b. In families. Any insane patient in any state hospital may be placed at board in a suitable family home by the board of administration. The cost of boarding out a patient may not exceed the average per capita cost of his maintenance in the hospital. Patients boarded out must be visited at least once in three months. A patient boarded out may be permitted by the board of administration temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may be received again when returned by guardian, relations or friends, or upon his own application, without any further order of commitment. During such temporary absence the board may assist in his maintenance to an amount not exceeding the rate paid for his board. Boarding out insane patients. Laws of 1909, Page 119, 26.

3. COMMITMENT

a. Classes committed. All insane persons residents of the state, not idiots and epileptics, are entitled to admission to the hospitals for the insane. Revised Statutes, 1908, Chap. 85, 1.

By insane is meant any person who by reason of unsoundness of mind is incapable of managing his own estate, or is dangerous to himself or others, if permitted to go at large, or is in such condition of mind or body as to be a fit subject for care and treatment in a hospital or asylum for the insane. 1.

No person, idiot from birth, or whose mental development was arrested by disease or physical injury occurring prior to the age of puberty, and no person who is afflicted with simple epilepsy is regarded as insane, unless the manifestations of abnormal excitability, violence or homicidal or suicidal impulses are such as to render his confinement in a hospital or asylum for the insane a proper precaution.

Voluntary patients. 37. Any person in the early stages of insanity who may desire the benefit of treatment in a state or licensed private hospital for the insane as a voluntary patient, may be admitted to it on his written application, accompanied by a certificate from the county court of the county in which he resides. All voluntary patients have the right to leave the hospital at any time on giving three days' notice to the superintendent.

Admission of non-residents. 32. Insane persons not residents of the state may not be detained in any private institution for the insane unless committed in accordance with the laws of the state in which they are residents, or with the laws of Illinois.

Private patients. 19. No private patient may be admitted to a state hospital for the insane until a bond with sureties has been filed with the superintendent, and approved by the county judge conditioned to provide suitably for him and to remove him when required.

2. *b. Legal procedure in commitment.* No person not legally adjudged to be insane, may by reason of his insanity or supposed insanity be restrained of his liberty, except that the temporary detention of an alleged lunatic is permitted for a reasonable time, not exceeding ten days, pending a judicial investigation of his mental condition.

3. Any reputable citizen of the county in which a person supposed to be insane resides or is found may file with the clerk of the county court a sworn statement that the person named is insane and requires restraint or commitment to some hospital for the insane. The statement must be accompanied by the names of the witnesses (one of whom at least must be a physician having personal knowledge of the case). When the person alleged to be insane has not been examined by a physician, the judge may appoint a qualified physician of the

4. county to make such examination. The hearing of the case may take place with or without the presence of the person

affected as circumstances warrant, but not until he has been notified.

Inquests by jury or a commission of physicians. 5. 6.

Inquests in lunacy must be by jury or a commission of two licensed physicians. When no jury is demanded, and there appears to the judge to be no occasion for it, he must appoint a commission of two qualified physicians in regular and active practice, who are residents of the county and of known competency and integrity, to make a personal examination of the patient and file with the clerk of the court a sworn report of the result of their inquiries, together with their conclusions and recommendations. The commissioners have power to administer oaths and take sworn testimony. In all cases of 7. inquest by jury, the jury must consist of six persons, and one of the jurors at least must be a qualified physician. Inquests 8. in lunacy may be in open court or in chambers, or at the home of the person alleged to be insane, at the discretion of the court. The judge may require all persons other than the patient, his friends, witnesses, licensed attorneys and officers of the court to withdraw from the room during the inquest.

The jury or commission must furnish the court in writing 9. answers to the interrogatories that may be prescribed by the commission of public charities, and certify to their correctness. The interrogatories must be submitted to the medical member or members of the jury or commission by the court.

The court may, if not satisfied with the finding of the jury 10. or commission, set the same aside and order another inquest.

Upon the return of the finding of the jury or commission, 11. the court must enter the proper order for the disposition of the person alleged to be insane, and order his discharge with or without conditions, or remand him to the custody of his friends, or commit him to some hospital or asylum.

Judge to inquire into pecuniary condition of insane person. 16.

At the time of each inquest in lunacy, the county judge must inquire into the pecuniary condition of the person alleged to be insane, and that of the relatives who are bound by law to maintain him.

When the order of commitment has been entered, the clerk 17. of the county court must send copies of the papers in the case to the superintendent of the hospital who must admit the patient without delay. If there is no room or the hospital

or the county has its full quota of patients, the superintendent must make room for a patient recently adjudged insane by returning a quiet, harmless chronic insane to the county from which he was admitted or to a hospital for chronic insane.

12. If a person alleged to be insane is possessed of any estate, the person filing the application for an inquest in lunacy may make at the same time application for the appointment of a conservator of the alleged lunatic. If he is adjudged insane without application for a conservator having been made, and if he has any estate, the court may, upon petition, make an appointment of a conservator. In a county with a probate court, upon filing of the proper petition, together with the duly certified copy of the record and the verdict of the jury, or the report of the commission of physicians, and the judgment of the county court finding a person insane, the probate court may without further inquest appoint a conservator.

11. *c. Appeal from commitment.* Appeals are allowed to the circuit court from any order or judgment made or rendered under the act governing commitments upon the appellant giving such bond and security as the court may direct.

24. Every person confined as insane is entitled to the benefit of the writ of habeas corpus, and the question of insanity must be decided at a hearing. If the judge decides that the person is insane, this does not bar the issuance of the writ a second time or whenever it is alleged that he has been restored to reason. If the person is adjudged sane, the court where the inquest was had must, on the presentation of a certified copy of the judgment, rescind the judgment of insanity.

29. *d. Cost of commitment.* The costs of proceedings in inquests of lunacy in case of county patients are paid from the county treasury of the county of which they are residents; but in case of private patients, if the person is found to be insane, they must be paid by his guardian or conservator out of his estate. When the person is found not to be insane, the court may require the costs to be paid by the person who filed the application for commitment.

4. Conveying Patients to the Hospital

18. The clerk must issue a warrant, in duplicate, directed to the sheriff or any suitable person, giving preference to some rela-

tive of the insane person, when desired, to deliver the insane person to the superintendent. No female patient may be taken to the hospital by any person not her husband, father, brother, or son, without the attendance of some other female of reputable character and mature age.

5. Transfer of Patients

The board of administration has power to transfer patients from one state hospital for the insane to another, when in its judgment transfers are advisable. Laws of 1909, Page 119, 22.

6. Parole and Discharge of Patients

Under regulations by the board of administration, patients may be released on parole for any term not exceeding three months, and, if not returned to the institution within that period, a new order of commitment from the county judge is necessary for readmission to the institution; but the court may make such order upon the old verdict, if satisfied that the patient in question is still insane. Revised Statutes, 1908, Chap. 85, 22.

Subject to the rules of the board of administration, the superintendent of a hospital may discharge a patient because he is not insane, or because he has recovered, or because he is so far improved as to be capable of caring for himself, or because the friends of the patient request his discharge, and in the judgment of the superintendent no evil consequence is likely to follow such discharge, or because there is no prospect of further improvement under treatment. No patient who has not recovered his reason or who is charged with crime may be declared discharged until at least ten days after notice to the judge of the county court having jurisdiction in the case, in order to enable the judge to make proper order as to the disposition of the patient upon discharge. 22.

A person discharged from a state hospital or asylum for the insane must be provided with suitable clothing and a sum of money, not exceeding $20, sufficient to defray his expenses home, which are charged to the patient, if a private patient, and if a county patient, to the county. 23.

When notified that a patient has been discharged as cured, the judge of any county court must enter an order restoring the patient to all his rights as a citizen, and if a conservator of his 25.

estate has been appointed, the conservator must be removed. At any time subsequent to the discharge of any patient, the judge of the county court may hear evidence tending to show that the patient has been restored to reason, and if satisfied of his recovery may enter a similar order, whereupon the patient is not liable to commitment to a hospital without a new inquest in his case.

After-care of the insane. Laws of 1909, Page 120, 27.

A staff physician, or some other suitable person must, when the superintendent deems it necessary, visit the home of any paroled patient or any convalescent patient before discharge and advise with the family as to the care and occupation most favorable for the patient's continued improvement. Visits must be made from time to time to the patient after parole or discharge as are considered necessary by the superintendent.

7. Cost of Maintenance

All indigent insane persons are maintained in the state hospitals at the expense of the state.

Laws of 1909, 23, as amended by Laws of 1912.

The cost of the support of inmates of state hospitals for the insane is a charge against the estates of patients or their conservators or against the relatives who would be liable for their support, if they were not inmates of the hospitals, or against the friends of inmates who may be willing to assume their support. The amount to be paid out of the estate of any patient shall not exceed the reasonable annual income from his estate during his lifetime. The board of administration may, in its discretion, release or modify the payment of all or any part of such income for support. Upon the death of any patient while an inmate of a state hospital for the insane, the board must file a claim against his estate for the balance of unpaid support. If the patient has no estate and no friend pays his support, the cost of it must be recovered from the relatives chargeable therewith.

8. Criminal Insane

Statutes, 1908, Chap. 85, 31.

Insane convicts in the state penitentaries may be committed to the asylum for insane criminals without formal inquest on the certificate of the penitentiary physician.

Acquittal of crime on plea of insanity. 38.

Where any person is sent to a state hospital for the insane, being acquitted of crime on the plea of insanity, or being under

indictment for crime, the state's attorney in charge of the case must officially notify the superintendent of the hospital to which the accused is sent, of any indictment pending against such person, or of the fact that the accused has been acquitted of his crime on the plea of insanity, and the superintendent, in case he at any time discharges the accused, must officially notify the state's attorney of the fact of the discharge and the reasons therefor.

INDIANA

Authorities:

Annotated Indiana Statutes, 1908

Laws of Indiana, 1909, 1911

1. Administration and Supervision

3665. *a. General.* The state board of charities is composed of the governor of the state as ex-officio member and chairman and six uncompensated members—three from each leading political party—appointed by him for terms of three years. This board must investigate and examine into the condition and management of asylums, and the officers in charge of the asylums must furnish to it all the information and statistics
3666. which it may require. At any time it may investigate the management of any correctional or charitable institution of the state, and must report the result of its investigation to the governor, who must submit it to the general assembly.

3675. The judge of the circuit court of any county may and upon the petition of fifteen citizens must appoint a board of county charities. These boards are composed of six unsalaried members not more than four of whom shall be men and shall be appointed for terms of three years.

At least once each quarter and as much oftener as they think necessary, the board in each county must inspect the county poor asylums and any other charitable and correctional institutions in the county which receive public aid. It must make a quarterly report to the board of commissioners of the county of the condition of each institution, and must present annually a report of its work to the judge of the circuit court and to the state board of charities. It must report to the board of county commissioners and the state board of charities any facts in connection with an institution which ought to be known to the commissioners, especially anything injurious to the county or to the inmates of the institution and must suggest remedies for the evils reported. At any time the county board of charities may call upon the state board of charities for advice and assistance.

9741. Township trustees are ex-officio overseers of the poor and

have charge of indigent persons who are not provided for in public institutions. The board of county commissioners has supervision of the county asylum for the poor and of the county asylum for the incurably insane in any county in which one has been established. These commissioners appoint the superintendent of the county asylum for a term of two years. 9746. 3760. 9780.

b. Institutional, administrative and supervisory agencies. Each of the general state hospitals for the insane is under the legal custody and supervision of a board of trustees composed of four compensated members. These trustees are appointed by the governor for four-year terms and are removable by him for cause after an opportunity to be heard upon written charges. Each board appoints as superintendent for the asylums under its charge a reputable physician who has had experience in an institution for the insane, and fixes the number of subordinate officers and employees and their compensation. The superintendent has personal charge and supervision of the institutions, its employees, and inmates, subject to the rules, regulations, orders, and general control of the board of trustees, to whom he must make his reports. Two of the trustees are required to visit the hospital together monthly, a majority of them together semi-annually and all of them together at least once a year, and the board must make an annual report to the governor. This report must be printed and transmitted by the governor to the general assembly with his annual message. 3435. 3438. 3439. 3440. 3453. 3689. 3690. 3684. 3442. 4355.

The hospital for insane criminals at Michigan City is under the management of the board of trustees and warden of the state prison. The physician of the state prison, who must be a man of at least three years' practical experience as a physician in charge of the insane, is also the physician in charge of the hospital for the criminal insane. Laws of 1909, Page 202, Chap. 87.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains five general hospitals for the insane, one hospital for insane criminals, and an insane colony connected with one of the general hospitals. Statutes require that male and female insane shall be treated in separate wards or departments. 3435. Laws of 1909, Page 202. Laws of 1911, Page 348. 3738-3739.

3102. 9780. 3731. 3736. 3760. 3763. 3764. *Local.* Each county provides in the county asylum for such of its indigent insane, especially incurably insane, as can not be received into the state hospitals. Counties of 150,000* or more population may provide a separate asylum for the care and treatment of incurably insane paupers. The board of county commissions may contract with guardians for the treatment in these asylums for reasonable compensation of incurably insane of the county not paupers.

3. Commitment

3705. 3691. 3102. 3736. *a. Classes committed.* All insane persons, not idiots, residing in the state who have legal settlement in any county therein are entitled to be maintained and to receive medical treatment in the state hospitals for the insane at the expense of the state.

3101. *b. Legal procedure in commitment.* Upon a statement in writing to the probate court of any county, that an inhabitant of the county is of unsound mind and incapable of managing his own estate, the court shall cause an issue to be made out and hold a hearing to determine the sanity of the person. The hearing may be by the court with or without a jury, and it is the duty of the prosecuting attorney to appear and protect the interests of the persons alleged to be of unsound mind. 3102. If the person is found to be of unsound mind, the court must appoint a guardian to have the custody of his person and the 3111. management of his estate. If the court finds that the person is dangerously insane it must make such order for his safekeeping as is necessary.

3692. Proceedings for committing an alleged insane person to a general state asylum for the insane are by a sworn statement regarding his insanity by a citizen of the county filed with a justice of the peace and upon an examination and a hearing held by this justice and two reputable practicing physicians of the county selected by him, or by the circuit or superior 3694. court. At this hearing the justice may examine witnesses against and in behalf of the person alleged to be insane, may 3695. summon medical examiners, and must obtain a certificate of 3697. the medical attendant of the alleged insane person giving the medical history of the case. The medical examiners must

* Marion County—City of Indianapolis.

make a sworn statement of the results of their examination, declaring whether in their opinion the person under examination is insane or not, and the justice must deposit a sworn statement of his findings, and all the documents in the case, with the clerk of the county circuit court. If the person has been found insane the clerk of the court must apply to the superintendent of the proper hospital for the admission of the insane person, accompanied by a certificate of a justice of the peace that such person is a legal resident of the county in which residence for him is claimed. Until he can be received into the hospital, the clerk must direct how he shall be taken care of, and, if necessary, may order his confinement in the county jail. The superintendent immediately must determine the nature of the case and whether the person can be received into the hospital. If the case is recent and curable the patient must be admitted at once; if it is chronic or incurable he may be admitted if there is room, but in the selection of chronic cases each county is entitled to a just proportion according to its population.

3698. 3699. 3700. 3712. 3703. 3737.

Applicants for admission into the hospitals when they are crowded must be received in the following order: (1) recent cases, when the disease is of less than one year's duration, (2) chronic cases, more than one year's duration, presenting the most favorable prospects of recovery, (3) those for whom application has been longest on file. Superintendents are required to see that each county has a just proportion of its applicants accepted according to its population, but the trustees may give preference to recent cases from one county, over chronic cases from another.

3731.

Rejected applications may be renewed by the proper county clerk by reference to the original application, and may be accepted by the superintendent, provided the renewal is made within six months of the inquest.

3704. 3705.

A justice of the peace must issue a warrant to a constable or sheriff for the arrest of any person of whom complaint under oath has been made that he is dangerously insane. The justice must summon witnesses and a jury of disinterested householders, and determine the sanity of the person complained of as dangerously insane. If the jury finds that the

7879. 7886.

person is dangerously insane the justice appoints some one to take charge of and confine the insane person at the expense of the county. The justice must certify his findings in the case to the circuit court of the county wherein a new hearing of the case must be had if the finding was against the insane person, or an appeal may be had by the complainant if the finding was in favor of the person charged with being dangerously insane. Upon verdict in the circuit court that the person is dangerously insane the court must appoint a guardian for him and approve the appointment of the custodian of his person made by the justice of the peace or appoint some other custodian. A person thus declared to be dangerously insane may at any time be committed to a hospital for the insane according to the usual procedure.

Proceedings for the recommitment of a person once declared insane and committed to a hospital but afterwards discharged may be instituted upon the affidavit of a physician that the person was adjudged insane, was an inmate of a hospital, was discharged, but is again insane, and a proper subject for treatment in a hospital. A copy of this affidavit certified to by the county clerk and a certificate from the clerk of the county circuit court of the record of the former adjudgment of insanity are transmitted to the superintendent of the proper hospital for the insane or to the friends of the patient and upon them as a basis an inquest into the mental state of the alleged insane person is made according to the procedure of an original inquest.

3102. Persons declared by a court of probate to be of unsound mind shall be committed by the court to the custody of the
3111. guardian whom it appoints. The court must enter such additional order as it thinks necessary for the safe-keeping of those whom it declares dangerously insane.

3729. *c. Appeal from commitment.* Appeal from commitment may be made on a writ of habeas corpus in behalf of any person committed as insane, and the question of insanity must be decided at the hearing. An adverse decision does not bar the issuance of another writ after three months have elapsed.

3104. *d. Cost of commitment.* A guardian appointed for a person of unsound mind must pay the expenses of the commitment

out of the estate of his ward. If the person alleged to be of unsound mind is found to be of sound mind, the person who made the charge of insanity against him must pay the costs. The estate of a person of unsound mind must pay the costs of a proceeding brought for his release on the ground of recovery, if the proceedings are successful; if he is held still to be of unsound mind costs are taxed to the person filing the application for him. 3109.

If a person declared dangerously insane by a circuit court has no family, the costs of proceedings, commitment, and maintenance are paid out of his estate if he has any, and the costs of the proceeding in the court of the justice of the peace are refunded to the county out of it; but if he has a family these expenses are borne by the county of which he is a legal resident unless his estate exceeds in value $500. If on the trial in the circuit court he is released, all these expenses are borne by the persons bringing the complaint of insanity against him. 7884.

Expenses for and fees of lunacy commissions examining into the insanity of criminals alleged to be insane, and costs of transferring insane criminals, are paid out of the state treasury. Laws of 1909, Page 207.

All expenses incident to commitments into an asylum for the insane are paid by the counties. 3732.

4. Conveying Patients to the Hospital

The county clerk upon receipt from the superintendent of the acceptance of an application must issue a warrant to the sheriff or other suitable person to arrest and convey the person to the hospital. A female patient must be accompanied by a female attendant. 3706. 10049.

5. Transfer of Patients

An inmate of any state asylum who has not a legal settlement in a county of the district in which the hospital is situated may be transferred to the hospital of his proper district by mutual agreement of the respective boards of trustees. By mutual agreement of the boards of trustees of any two hospitals for the insane, a patient may be transferred 3721.

for any sufficient reason, not oftener, however, than once in five years.

6. Parole and Discharge of Patients

3109. An allegation that a person of unsound mind has become of sound mind again, may be tried and determined in the same manner as an allegation of unsoundness of mind.

3724. A patient who has been restored to health must be discharged by the superintendent of the hospital for the insane to the sheriff of the county from which the patient was committed, to friends willing and able to care for him, or to himself if he is able to provide for himself. Discharge to a sheriff is to remove the patient to his home and is made upon order from the clerk of the county circuit court on notice to the clerk from the superintendent of the hospital.

3765. An inmate of a county asylum for the poor may be discharged by the board of county commissioners to friends willing and able to provide for him.

7. Cost of Maintenance

3102. Insane paupers for whom a guardian has been appointed are provided for under the laws regulating the relief of the poor.

3111. The expenses for maintenance of a person dangerously insane must be paid out of his estate on direction of the court which has declared him insane, or if the estate is insufficient, or necessary for the support of his family, out of the county treasury.

3707. If insane persons committed to a hospital for the insane are not supplied with an ample supply of suitable clothing, the clerk of the county must furnish the necessary supply at a cost not to exceed thirty dollars to be paid out of the county

3708. treasury. Inmates of an asylum not otherwise supplied must be furnished by the superintendent with the necessary clothing at an expense of not more than twenty dollars per annum for each patient to be charged to the county from which he was committed.

Laws of 1909, Page 207. The expenses of a commission held to determine the sanity of a convict under sentence and of transferring such convict

from one institution to another are paid out of the state treasury.

8. Criminal Insane

A person on trial for a public offense acquitted on a plea of insanity is immediately proceeded against in the regular manner upon a charge of insanity based upon the verdict in the criminal proceedings as *prima facie* evidence of his insanity. 2071.

A judge of a circuit court must direct his clerk to apply to the superintendent of the hospital for the criminal insane for the admission of any male person who when on trial for a crime is proved to have been insane at the time he committed the act and to have committed an act which would have been a felony if committed by a sane person. The superintendent of the hospital acts on the application and notifies the clerk of the court whether it can be allowed or not. Upon receipt of an acceptance the clerk reports to the judge who orders a warrant to issue for the transfer of the insane convict to the hospital for insane criminals. 3749. 3750.

Upon the trial of any male person accused of felony and interposing the defense of insanity either upon a special plea or general plea of not guilty, the court or jury finds whether the defendant was insane at the time claimed and whether he committed the act charged. Upon a finding in favor of the defendant on the insanity plea and against him as to the commission of the act the court commits him to the state colony for insane criminals. Laws of 1909, Page 207.

A judge believing the defendant in a criminal cause appearing for sentence to be insane must have the question of his insanity determined by a jury of twelve men. If the jury finds him sane, sentence is passed, if insane, the court orders him confined in the hospital for criminal insane until he recovers when judgment is pronounced. 2177.

Upon certification by the physician of a state prison or reformatory to the superintendent or warden that a convict is insane, the superintendent, or warden, if satisfied of his insanity, must report the case to the governor. Upon the order of the governor to whom he reports their findings, the superintendent or warden convenes a lunacy commission, made up of a resident justice of the peace and two physicians, Laws of 1909, Page 204, 8.

to examine the alleged insane convict and report on his condition. Five days before the holding of the examination, the superintendent or warden must notify the next friend or relative of the convict, and the state board of charities. The governor if convinced that the convict is insane orders him committed to the state hospital for insane criminals and orders the general superintendent or warden to transfer him.

An insane convict receives credit on his sentence for the time he is under treatment in the state hospital for insane criminals.

The governor upon notice from the warden or physician of the hospital for the criminal insane that a convict confined as insane has recovered his sanity orders him transferred to the penal institution from which he was removed if the recovery occurred before the expiration of the sentence for crime. If the insanity of a convict continues beyond the expiration of his sentence for crime he is kept in the hospital for criminal insane until he regains his sanity, but upon certification of his recovery by the physician and warden of the hospital the governor orders the warden to discharge him, and to report his discharge to the institution from which he was transferred, and to the state board of charities.

3753. A harmless insane convict whose term has expired may be discharged to a friend or guardian willing and able to care for him.

IOWA

Authorities:

Code of Iowa, 1897
Supplement to Code of Iowa, 1907
Laws of Iowa, 1911

1. Administration and Supervision

a. General. The board of control of state institutions is composed of three members, not more than two of whom may belong to the same political party, appointed by the governor for terms of six years and subject to removal by him. Each member receives a salary of $3,000 per annum. The board is vested with the management of all state charitable and correctional institutions, replacing the former boards of trustees, and exercises supervisory powers over all county and private institutions in which insane persons are cared for. The board is required to gather and present information in regard to the best and most successful methods of caring for the insane, to encourage scientific investigations by the medical staffs of the hospitals for the insane and to publish the results of the scientific and clinical work done in these institutions. The board must make a biennial report to the governor and legislature.

Supplement, 1907, 2727-a 1.

2727-a 11.

2727-a 12.

b. Institutional, administrative and supervisory agencies. The board of control has the direction and management of the state hospitals for the insane. It appoints for each one a qualified medical superintendent for a term of four years and may remove him for cause. It fixes the number and salaries of employees, but the discharge of employees is a function of the superintendents. It is obligatory upon the board to make monthly visits to the state hospitals.

2727-a 24.

The county homes (poor asylums) are under the control of the board of county supervisors, who appoint the stewards and prescribe the regulations for their management. The county poorhouses with departments for the insane are subject to monthly visits by the board of control of state institutions.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains four general hospitals for the insane, chiefly intended for acute cases and patients supported at the expense of the state who are without legal settlement in any county. The penitentiary at Anamosa has a department for insane convicts.

Local. Most of the counties (64 in all) maintain county homes having special accommodations for the care of chronic and incurable harmless insane who are residents of the county.

3. Commitment

a. Classes committed. All insane persons, not idiots, with a legal residence in the state are entitled to admission to the state hospitals if found fit subjects for treatment in these institu-
2727-a 28a. tions. Persons found to be without a legal settlement in the state who become insane must be cared for in a state hospital, until their legal residence can be ascertained, or they can be transported to it.

County commissioners of insanity, Code of 1897, 2261.

b. Legal procedure in commitment. Each county has a board of three commissioners of insanity, and in counties where district court is held in two places there is one such board of commissioners at each place, consisting of the clerk of the district court, or his deputy, one physician in actual practice and of good professional standing, and one lawyer in actual practice and of good standing, to be appointed by the judge of the district court. The appointments may be made by the
2262. court for terms of two years. The clerk of the board must sign and issue all notices, appointments, warrants, etc., and file and preserve in his office all papers connected with any inquest
2263. by the commissioners. The commissioners have cognizance of all applications for admission to the hospital, or for the safe-keeping otherwise of persons within their respective counties, except in cases otherwise specially provided for.

Proceedings in commitment. 2264.

Applications, directed to the commissioners of insanity, for admission to the hospital must be made in the form of an information, verified by affidavit, alleging that the person in whose behalf the application is made is believed by the informant to be insane, a fit subject for custody and treatment in the
2265. hospital, and that he is found in the county. The commissioners may examine the informant and other witnesses under

oath, and may require that the person for whom admission is sought be brought before them providing for his custody meanwhile. Any citizen of the county or relative of the person alleged to be insane may appear and resist the application, and employ counsel. The commissioners must appoint some regular practicing physician of the county to make a personal examination of the person alleged to be insane. The examining physician must endeavor to obtain from the relatives of the person, or from others who know the facts, answers to prescribed interrogatories, the answers to be attached to his certificate. If the commissioners find the person is not insane, they must order his immediate discharge, if in custody; but if insane and a fit subject for custody and treatment in the hospital, they must order his commitment to the hospital in the district in which the county is situated.

2266.

If at any time it is necessary to discriminate in the general reception of patients in a hospital, a selection must be made in the following order: (1) cases of less duration than one year; (2) chronic cases, where the disease is of more than one year's duration, presenting the most favorable prospects for recovery; (3) those for whom application has been longest on file; (4) where cases are equally meritorious in all other respects, the indigent have the preference.

Discrimination in reception of patient. 2286.

The commissioners of insanity, with the consent of the board of supervisors of any county having insane persons and no proper facilities for their care and treatment, may, with the consent of the board of control, provide for their care at the expense of the county at any convenient private or county institution.

Insane of other counties. 2727-a 65. Supplement, 1907.

No person may be confined in any private institution for the care or treatment of the insane, except upon the certificate of a board of commissioners of insanity of some county in the state, or of two reputable physicians, at least one of whom must be a *bona fide* resident of the state.

Authority of private asylums to keep insane. 2727-a 66.

The superintendents of the hospitals for the insane are required immediately to notify the board if there is any question of the propriety of the commitment or detention of any patient received.

Questionable commitments. 2727-a 29.

Custody outside of the hospital. 2271.

An insane person who can not at once be admitted to a hospital or whose case is appealed must be suitably provided for by the commissioners if he can not safely be allowed to go at liberty. He may be cared for as a private patient by relations or friends who will provide for him without public charge. In such case, the commissioners must appoint some suitable person special custodian. In the case of public patients, the commissioners must require that they be cared for by the board of supervisors at the expense of the county. On application in behalf of persons alleged to be insane, whose admission to the hospital is not sought, asking for their care as insane within the county, the commissioners, on proof of their insanity and need of care, may provide for them, as in case of other applications.

c. Appeal from commitment. On a statement in writing, verified by affidavit, addressed to a judge of the district court of the county in which the hospital is situated, or of the county in which any person confined in a hospital has his legal settlement, alleging that he is not insane, the judge must appoint a commission of not more than three persons to inquire into the merits of the case one of whom must be a physician, and if two or more are appointed, another must be a lawyer. They must forthwith report to the judge the result of their examination and accompany it by a statement of the case, made and signed by the superintendent. If the judge finds the person not insane, he must order his discharge; if the contrary, he must authorize his continued detention. The applicant must pay the costs of the inquiry if the judge finds that the application was made without probable ground. A commission of inquiry may not be repeated oftener than once in six months in regard to the same person, nor may a commission be appointed in the case of any patient within six months of the time of his admission.

Supplement, 1907, 2308a.

d. Cost of commitment. The expenses of the arrest, care, investigation and commitment of an insane person without a legal settlement including the costs of appeal, if one is taken and the person is found to be insane on appeal, are paid in the first instance by the county in which the person is found to

be insane. If he has a legal settlement in another county of this state, the expenses are to be paid by that county. If the person has no legal settlement within the state, the expenses are paid by the state.

4. Conveying Patients to the Hospital

Unless the patient or some one in his behalf appeals the case to the district court, the commissioners of insanity must direct the sheriff to deliver him to the hospital together with all the documents in the case, or may appoint some other suitable person. No female may be taken to the hospital without the attendance of some other female or some relative. The superintendent, in his acknowledgment of delivery, must state whether there was any such person in attendance. Any relative or immediate friend of the patient, who is a suitable person, has the privilege of executing the warrant in preference to the sheriff or any other person. No person who is found to be insane may, pending admission to the hospital, be confined in any jail or place of solitary confinement, except in cases of extreme violence; and in such a case there must at all times be a suitable person in charge of him. At no time may any female be placed in such confinement without at least one female attendant remaining in charge of her. 2266.

5. Transfer of Patients

Insane persons who have been under care outside of the hospital by authority of the commissioners of any county may, on application, be transferred to the hospital on their warrant. The admission may be had without another inquest at any time within six months after the inquest already had. 2274.

When the board of control finds that any patient cared for at public expense in any private asylum or county institution is violent and his case acute, it may remove him to a state hospital at the expense of the proper county. In like manner, when the board finds a chronic patient in a state hospital, it may order the county to which he is chargeable to remove him to a county or private institution for the insane, but not without the written consent of his immediate relatives or of the commissioners of insanity of the county to which he is chargeable. Removal of patients from county asylum. 2727-a 64.

6. Parole and Discharge of Patients

2288. Any patient who is cured must immediately be discharged by the superintendent and furnished with a certificate to that effect, a copy of which is to be forwarded to the clerk of the district court of the county from which the patient was committed. The record is *prima facie* evidence of his recovery and restores him to all his civil rights. The relatives of any patient not susceptible of cure by remedial treatment in the hospital, and not dangerous to be at large, have the right to take charge of and remove him. No patient under criminal charge or conviction may be discharged without the order of the district court and notice to the county attorney.

7. Cost of Maintenance

Laws of 1911, Chap. 97. Indigent patients are maintained at the expense of the county in which they have a legal residence. If they have no such residence they are charges upon the state.

2281. When the superintendent of the hospital has been notified that a patient sent to the hospital from one county has a legal settlement in another county, he must thereafter hold and treat such patient as from the latter county; and such holding applies to expenses already incurred in behalf of such patient

2283. and remaining unadjusted. Patients in a hospital having no legal settlement in the state, or whose legal settlement can not be ascertained, are supported at the expense of the state.

Estates of patients liable. 2297. The estates of insane persons and of their relatives are liable for their support; and the auditors of the several counties are authorized and empowered to collect from the property of such patients, or from any person legally bound for their support, any sums paid by the county in their behalf.

Acts of 1911, Chap. 98, 1. The estates of all patients in state hospitals for the insane who are non-residents of this state, and all persons legally bound for their support are liable for the reasonable value of the care and treatment of such patients while in the hospitals.

2285. The relatives or friends of any patient in a hospital have the privilege of paying any portion or all of the expenses.

8. Criminal Insane

Commitment of insane prisoners. 2279. On a sworn application made by any citizen stating that a person confined in any prison within the county charged with

a crime, but not convicted thereof nor on trial therefor, is insane, the commissioners of insanity must have the prisoner brought before them, and if they find that he is insane, they must direct his removal to one of the hospitals for the insane, and the superintendent of the hospital designated must receive and keep him as a patient. After an investigation such as contemplated in this section, the commissioners may not entertain a like application within six months on behalf of the same person. When any insane person is thus confined, the superintendent, as soon as such person is restored to reason, must return him to the jail of the county from which he was received. 2280.

Insane criminals in penitentiaries. Code of 1897, 5709.

A convict confined in either of the state penitentiaries who becomes insane must be confined in the department for the insane at the Anamosa penitentiary until he has served out his sentence or is pronounced cured, in which latter event he must be held in the penitentiary to serve out his unexpired sentence.

KANSAS

Authorities:

General Statutes, 1909

Laws of Kansas, 1911

1. Administration and Supervision

a. General. The board of control of state charitable institutions is composed of three members appointed by the governor for terms of four years, at a salary of $2,500 per annum. The board administers and enforces the laws relating to the insane and their treatment in or out of hospitals, and has power to make rules and regulations in regard to: The licensing, visitation and inspection of all private institutions for the insane; the forms to be observed in regard to the commitment, transfer, custody and discharge of insane persons; the reports and information to be furnished by superintendents and other executives of all institutions for the insane. The board must visit the state hospitals at least once a month and make an annual report to the governor and biennial report to the legislature.

Powers and duties of board of control.

Private institutions to be licensed. 8493

No person or physician may establish a private hospital for the care or treatment of the insane for compensation without first obtaining a license from the state board of control. The application for it must be accompanied by a plan of the premises to be occupied. Before granting any such license, the board must have visited the premises to be licensed. The board may make such terms and regulations in regard to a license as it deems necessary, and may revoke the license of any private hospital or institution for due reasons. Conducting a private hospital or institution without a license is a misdemeanor punishable by a fine of ten dollars for each day the institution is carried on in violation of law. The county attorney of the proper county must proceed against the offender.

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b. Institutional, administrative and supervisory agencies. The board of control, with the consent of the governor, must appoint a superintendent or executive officer of each hospital for the insane. Such superintendent must have at least two years' experience as superintendent in a similar institution or

be a specialist in nervous diseases. The board fixes the number of subordinate employees and their compensation. The superintendent, subject to the rules and regulations of the board of control, has personal charge and supervision over his institution and must make his reports to the state board of control.

The state asylum for the dangerous insane is under the board of prison directors, and the physician of the State penitentiary is its medical superintendent.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane, a state asylum for the dangerous insane in connection with the state penitentiary (authorized in 1911), and a state hospital for epileptics to which insane of this class may be admitted.

Local. Incurable or harmless indigent insane and those who can not be received by the state hospitals are cared for in the county asylums or by the county commissioners, who have control of these institutions, appoint the superintendents and physicians, and may annually select a board of visitors.

3. Commitment

a. Classes committed. All insane persons, except idiots and epileptics, who are residents of the state are entitled to treatment in the hospitals for the insane.

Any person whose mind, by reason of brain sickness, has become unsound, rendering him incapable of managing his own estate or dangerous to himself or others is defined as insane. No person idiotic from birth, or whose mental development was arrested by disease or physical injury prior to the age of puberty, and no person who is afflicted with simple epilepsy, is regarded as insane, unless the manifestations of abnormal excitability, violence or homicidal or suicidal impulses render his confinement in a hospital a proper precaution to prevent him from injuring others or himself. 8462.

Insane persons, idiots, imbeciles, epileptics who are committed by the courts or to be transferred from the penal institutions are cared for in the state asylum for dangerous insane.

b. Legal procedure in commitment. When a person is supposed to be insane, any reputable citizen of the town or town- 8464.

ship in which he resides or is found may file a sworn statement with the probate judge of the county that the person named is insane and unsafe to be at large, and that the welfare of himself and others requires his restraint or commitment to some hospital for the insane. The statement must be accompanied by the names of two witnesses. If the person alleged to be insane has not been examined by a physician, the judge may appoint a qualified physician of the county to make an examination.

Hearing. 8465.

Upon the filing of the statement, unless the person alleged to be insane is brought before the court without a writ, or unless it is shown that the condition of the patient makes it improper to bring him before the court, the probate judge must direct that he be brought before the court for a hearing. The hearing may not take place until the person alleged to be insane is notified.

Trial. 8466.

Inquests in lunacy must be by jury or commission, at the discretion of the court. Inquests must be by the jury when it is demanded by the person alleged to be insane, or by any person acting in his behalf. In such cases the court must appoint competent counsel for the person alleged to be insane.

Examination by physician. 8467.

When no jury is demanded or a trial by jury is not expedient, the probate judge must appoint a commission of two qualified physicians in regular practice to make a personal examination of the patient and file with the probate court a sworn report of their findings. The commission has power to administer oaths and take sworn testimony. Inquests in lunacy may be in open court, or in chambers, or at the house of the person alleged to be insane; the presence of the accused is indispensable.

Inquests, where to be held. 8469.

Jury trial. 8470.

A jury of four persons, one of whom must be a physician who has been in regular practice for three years and of good standing, must be impaneled when a case is tried by jury. The person alleged to be insane must be present, represented by counsel, and may challenge jurors as in civil cases. The verdict must be signed by all members of the jury, and contain a brief statement of the medical treatment in the case, signed by the physician or physicians upon the jury. If the person is adjudged to be insane and a fit person to be sent to a

hospital, the court must order his commitment. If not satisfied with the findings of the jury or commission, the probate judge may set them aside, and dismiss the proceedings or order another inquest. The order entered by the judge in accordance with the findings of the jury or commission may discharge the patient with or without conditions or remand him to the custody of his friends, or commit him to some hospital, public or private, in the state, or to a county insane asylum or the insane department of a county almshouse in the county where the alleged insane person resides.

Order of court. 8473.

Insane persons must be committed to private hospitals or institutions in the same manner as to a state hospital for the insane. The probate judge, in selecting a private asylum, must be governed by the wishes of the friends and relatives of the insane person. No county can recover for the care of an insane person confined in a private hospital unless he first has been refused admission to one of the state hospitals for want of room.

Commitments to private hospitals. 8496.

Insane persons not residents of the state may not be detained in any private institution in this state unless committed in accordance with the laws of the state or territory of which they are residents or with the laws of this state.

Non-residents in private institutions. 8491.

Any person filing application for an inquest in the case of a person possessed of any estate may at the same time apply for the appointment of a guardian for him.

Application for guardian. 8474.

Having ordered an insane person committed to a state hospital the probate judge must without delay make application to the superintendent of the Topeka State Hospital for his admission, transmitting with the application a copy of the report of the examining physician and the verdict of the jury or commission, under his signature, and the superintendent must say whether such person shall be received or not, and designate the hospital to which he shall be conveyed.

Application for admission. 8471.

c. Appeal from commitment. Appeals may be to the district court from any order or judgment rendered, upon the appellant giving such bond and security as the court may direct. Appeal from commitment may be made on behalf of any person committed as insane, and the question must be decided by the probate court after inquiry, with or without a jury. Such

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8485.

inquiry may not be held oftener than once in six months in regard to the same person and not within six months of the time of the admission of any patient.

8488. *d. Cost of commitment.* In case of county patients, the costs must be paid from the county treasury; but in case of private patients, the costs must be paid by the guardian or relatives of the insane out of his estate. When a person is found to be sane, the court may require that the costs be paid by the person who filed the statement. When any person residing in the state is adjudged insane by the probate court of any county of which he is not a resident, the probate judge of the county in which the person resides must be furnished with a transcript of the record and findings in the case, whereupon the county becomes liable for the costs of proceedings, transportation, clothing and other incidental expenses of commitment.

4. Conveying Patients to the Hospital

If any competent relative or friend of a person admitted to a hospital for insane requests a warrant for his commitment, it must be delivered to him for service. In committing female patients to the state hospital, unaccompanied by some relative, the probate judge must appoint a female attendant to accompany the sheriff or other person to whom the warrant of commitment is delivered.

5. Transfer of Patients

6. Parole and Discharge of Patients

The board of control may release patients on parole.

8483. Authority to discharge patients from either of the state institutions for the insane is vested in the state board of control, but may be delegated to the respective superintendents. Discharges may be made because the person is not insane, or because he has recovered, or because he has so far improved as to be capable of caring for himself, or because the friends of the patient request his discharge, and in the judgment of the superintendent no evil consequences are likely to follow, or because there is no prospect of further improvement, and the room is needed for others. No patient who is violent, danger-

ous or unusually troublesome or filthy may be discharged from any state institution and sent back to any county farm, almshouse or insane department of any almshouse not provided with suitable conveniences and facilities for his care. No patient who has not recovered his reason or who is charged with crime may be discharged until at least ten days' after notice has been given to the probate judge to make some order in regard to the disposition of the patient.

Discharge of patients from private institution. 8499.

Any relative or friend of a patient admitted to a private institution may apply for his discharge to its superintendent; and, in case the superintendent refuses to grant it, may apply to the probate court of the county where the institution is located, which court has authority to hear the application, and may discharge the patient or not.

Notice of discharge. 8484.

Upon proper notice that a patient committed on his order has been discharged as cured, the probate judge must order the patient restored to all his rights as a citizen. At any time subsequent to the discharge of a patient not recovered, the probate judge of the county may hear the evidence tending to show that such patient has recovered, and if satisfied of his recovery, may make a similar order, and thereafter the patient is not liable to commitment to any hospital for the insane without a new inquest.

An insane inmate of a county asylum for the poor may be discharged by the county commissioners to friends who are willing and able to care for him.

7. Cost of Maintenance

County and private patients, how supported. 8476.

Patients committed to any state hospital for the insane must be designated either as private or county patients. The probate judge must transmit to the superintendent of the hospital a statement showing the financial condition of a patient committed by him, and of the persons bound in law to maintain him. Each county is entitled to receive from the state a sum not to exceed $2 per week for each destitute insane person in the county whose admission to the state hospital has been refused for want of room or who has been discharged from the state hospital to make room for another patient. No private patient may be received into any state hospital for the insane

Rebate to county. 8477.

8479.

unless there has been filed with the superintendent a bond with sufficient sureties, approved by the probate judge for the payment of all incidental expenses incurred by the institution on his account.

1911, Chap. 299, 2. 8. Criminal Insane

When a person confined in the state penitentiary, the Kansas State Industrial Reformatory or any other penal institution in the state is alleged to be insane, the warden, superintendent or other person in charge, with the consent of the board in charge of the penal institution, must cause the person to be examined by the probate court of the county in which he is confined, as in the case of other insane persons. If he is found insane, he must be transferred by the order of the probate court to the state asylum for the dangerous insane. If his sanity is restored before the period of his commitment to the penal institution has expired, he must be removed to the institution from whence he came, there to complete the period of his sentence. The period for which he is removed is counted as a part of the term of the confinement. If the insanity continues after the expiration of his sentence, he must be detained in the asylum until his sanity is restored.

3. Any inmate of a state hospital or asylum for the insane or epileptic, or the home for feeble-minded found by the state board of control to have homicidal tendencies, or to be under sentence or indictment or information, or whose presence is dangerous to the other inmates of said institution, must be transferred to the state asylum for the dangerous insane.

4. Any person under indictment or information found by the court or by commission or another pury impaneled for the purpose of trying such question, to be insane, an idiot or an imbecile, must be forthwith committed to the state asylum for the dangerous insane for safe-keeping and treatment until he has recovered, when he must be returned to the court from which he was received to be placed on trial upon said indictment or information.

5. When during the trial of any person on an indictment, or information, evidence is introduced to prove that he was insane, an idiot or imbecile at the time of the commission of the offense and he is acquitted on that ground, the jury or the

court must so state in the verdict and the court must thereupon commit him to the state asylum for the dangerous insane. No person thus acquitted may be liberated from the asylum, except upon the order of the court committing him, and until the superintendent certifies that in his opinion he has wholly recovered.

KENTUCKY

Authorities:

Statutes of Kentucky, 1909

1. Administration and Supervision

State board of control. 5143.

a. General. The state board of control consists of four members, two from each of the two leading political parties, appointed by the governor for a term of four years. Members of the board must be at least 25 years old, and have been citizens of the state for the last five years preceding their appointment. A bond of $25,000 is required of each commissioner. Each member receives a salary of $2,500 per year and his necessary traveling expenses.

5145.

Duties of board. 5145.

The board of control must hold regular meetings at each of the institutions under their control at least once in each month, and make a thorough examination of the affairs, management, property, clothing, food, supplies, condition of buildings and grounds, and the conduct of every official and employee, of which they must make a complete record, together with such rules and regulations as they may give. The board must ascertain whether the objects of the institutions are being properly accomplished and the laws in relation to them fully complied with, and make an annual report to the governor and a biennial report to the governor and general assembly.

Appointment of officers. 5146.

b. Institutional, administrative and supervisory agencies. The board of control must appoint at each hospital, for terms of four years, a medical superintendent, a first, second and third assistant physician, each of whom must be a skillful and competent physician, who has practiced his profession at least three years (provision is made for the appointment of a woman physician to each hospital) and a steward.

The board may remove them for cause.

Duties and powers of superintendent. 5164.

The medical superintendent has the general management, supervision and control of the patients, subject to the regulations of the board of control. (His duties in regard to keeping records of patients, their condition, treatment, etc., are prescribed by law in detail.) He must make monthly reports to the board of control of the number of deaths

among the patients, and their cause, and of all escapes, recoveries and removals of patients. The superintendent appoints all inferior officers and employees not otherwise provided for and may remove any of them at pleasure. 5166.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three general hospitals for the care and treatment of the insane. Statutes require that white and colored patients shall be cared for in separate departments.

Local. Each county poorhouse must provide for the care of the harmless incurable insane and such other patients as may not be received at the state hospitals. The poorhouses are under the control of the county courts.

3. Commitment

a. Classes committed. All insane persons, except idiots, epileptics and the harmless incurable, having a legal settlement in some county are entitled to admission for treatment to the state hospitals at the state's expense.

All pauper idiots, epileptics and harmless incurable lunatics must be returned by the hospitals to the several counties from which they were sent and given into the custody of their friends if any; if not, then to the county judge, or, if they are residents of and sent from the city of Louisville, then to the mayor of that city who must make suitable provision for their support. The hospitals must also send each paying patient of the aforesaid class to the county of their residence, or whence they came. 5167.

When upon application to the proper hospital a patient is rejected for want of room, immediate application must be made to another. The board of control must take care that each of the asylums is kept full to its utmost capacity of such patients as are receivable by it as long as any of them in the state are unprovided for. Resident patients always have preference over pay patients from other states, and any patient found insane must be received. 5168. 5171.

b. Legal procedure in commitment. Inquests to determine whether a person is of unsound mind (idiot, lunatic, *non compos*) must be held by the circuit court of the county. If no circuit court is in session in the county, the inquest may 4247.

be held by a judge of a circuit court or by the presiding judge of the county court; but in no case may an inquest upon an idiot be held except in the circuit court. The judge may make all orders for the care of the person found to be of unsound mind or imbecile or incompetent to manage his estate, and must, if necessary, make all orders for the appointment of a committee and the security of the estate and care of the person in question. The judge holding the inquest may order a person found insane to the lunatic asylum; but in no case may an order be made to send an idiot to an insane asylum unless the jury, by their verdict, finds that he is so dangerous or uncontrollable that he can not properly or safely be kept by a committee at home.

4248. The personal presence of the person charged with being of unsound mind is required, unless it shall appear by the oath or affidavit of two regular practicing physicians, that they have personally examined him and find him to be insane, and that his condition is such that he would be unsafe to
4249. bring into court. The case must be heard before a jury.
4251. If the judge is satisfied with the inquest, judgment must be entered accordingly, or he may order the inquest set aside if he finds it contrary to law or not sustained by the evidence, and order a new inquest.

4252. Whenever it appears to the county or circuit court from an affidavit filed that a person found of unsound mind has been restored to his proper senses, or that the inquest was false or fraudulent, the court must direct the facts to be inquired into by a jury in open court, and make all necessary orders or decrees in the premises.

4253. When a person has been found to be insane, the presiding judge must endeavor to ascertain and draw up a brief history of the patient's case, covering certain specified points, and transmit the same to the asylum to which the patient is sent.

c. Cost of commitment. The expense of committing and transporting indigent patients is paid by the state unless they have sufficient estate.

5175. 4. Conveying Patients to the Hospital

The circuit court or county judge ordering any person to be sent to a hospital for the insane must notify the superin-

tendent advising him of the sex and condition of the person, and the superintendent must immediately send a competent attendant to convey such person to the institution.

5. Transfer of Patients

6. Parole and Discharge of Patients

The superintendents of the several hospitals may permit the family or friends of patients, whose condition of mind and health is such that they may be taken care of and treated properly outside of the hospital, to be removed from it, either permanently or for such length of time as the superintendents may deem prudent. No patient may be discharged as cured except by the authority of the superintendent. Any cured patient who was admitted to the asylum while in custody or upon a criminal charge, must be delivered to the keeper of the penitentiary or to the jailer of the county whence he came. A cured pauper, before being discharged, must be furnished with clothes and enough money to pay his traveling expenses to his home. 5170. 5171.

7. Cost of Maintenance

A pauper idiot or lunatic, who has been found so by the verdict of a jury, or committed by order of court and who has no estate sufficient for his support and no relatives liable for his support, must be cared for in an asylum at the expense of the state. 4232.

When the patients supported in the asylums for insane acquire estates which can be subject to debt, the board of control must sue for and recover the amount of such patient's board at the rate of $150 per year, or so much of it as the estate will suffice to pay. The board of control must sue for and recover from persons liable for the support of patients provided they have sufficient estates. Board of control may sue for support of patients. 5156.

Pay patients are charged a fixed sum per annum to be paid in advance for the first six months, and security must be furnished for payment for the remainder of the time they may be in asylums. But if the patient be discharged or die before the expiration of the six months paid for, a proper proportion of the amount paid must be refunded. Pay patients. 5172.

8. Criminal Insane

LOUISIANA

Authorities:

Code of Louisiana, 1904

Laws of Louisiana, 1904, 1908, 1910

1. Administration and Supervision

a. General. The state board of charities and correction consists of six members who serve without compensation, appointed by the governor for terms of six years. The governor is ex-officio chairman of the board. The duties of the board are strictly visitorial, without administrative or executive powers. It has the duty of inspecting all state or local charitable and correctional institutions, including the private hospitals for the insane, whether they are utilized or aided by parochial or municipal authorities or not. The board makes an annual report to the governor.

295.

b. Institutional, administrative and supervisory agencies. Each of the hospitals for the insane is governed by a board of administrators consisting of eight members, appointed by the governor from the state at large for terms of four years. The governor is ex-officio president of the boards.

1760. 1780, 2.

Each board has an executive committee of four members which must visit its institution at least monthly. Each board as a whole must hold at least four meetings a year.

1760. 1780, 5.

The boards make all rules and regulations for their own government, and elect the superintendents of the hospitals, in one case to serve for four years, in the other, during good behavior. They are subject to removal by the boards for cause. Each superintendent names the assistant physicians and other officers, who are subject to removal by the boards upon his recommendation. The salaries of the officers are determined by the boards.

1763. 1780, 3.

1764. 1780, 4.

Each board must make a full report to the legislature at each session.

1765. 1780, 6.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane, one for white and the other for

colored patients. The hospital at Jackson has a ward for the criminal insane.

Local. The police juries of the different parishes have the duty of caring for insane persons who can not be received at the hospitals and may provide for them on poor farms or in homes.

3. Commitment

a. Classes committed. Indigent insane persons, residents of the state, are entitled to admission to the hospitals for the insane. The board of administrators has authority to receive patients not committed by a judge on such terms as it may fix. 1769.

b. Legal procedure in commitment. On written complaint or information of any respectable citizen to the judge of the district court that any lunatic or insane person within his jurisdiction ought to be sent to one of the state hospitals for the insane, the judge must order the person to be brought before him, and summon two licensed and reputable physicians, one of whom must be the coroner of the parish, and the other the physician of the suspected person, if he has any, neither of whom may be related by affinity or consanguinity to him or have any interest in his estate. The judge and the two physicians constitute a commission to inquire whether the person is insane and a suitable subject for a hospital for the care and treatment of insane persons; and for that purpose the judge must summon witnesses who know the person suspected of insanity. The physicians in the presence of the judge must by personal examination satisfy themselves and the judge as to the mental condition of the suspected person. If the two physicians do not agree, the judge determines the issue. (The recorders of the city court of New Orleans may, however, commit insane persons.) The coroner must ascertain all necessary facts to enable him to answer the questions prescribed in the form of certificate. Acts of 1910, Page 420, 1. 2.

c. Appeal from commitment

d. Cost of commitment. The expenses of examining and conveying an insane person to the hospital is paid out of the parish treasury. Code of 1904, 1768.

4. Conveying Patients to the Hospital

1768. Upon a warrant by the committing judge, the sheriff has the duty of conveying an insane person to the hospital.

5. Transfer of Patients

6. Parole and Discharge of Patients

Authority to discharge patients upon recovery or for other causes is vested in the superintendents, subject to the order of the respective boards.

7. Cost of Maintenance

Acts of 1908, 248. Except that patients who are not committed by a judge may be received on terms fixed by the hospital boards, there is no charge for the maintenance of patients at the state hospitals.

Acts of 1904, Page 315, 9. If the police jury of the parish whence an insane person came, or the municipal council, if from a city or town, or the clerk of the court, certifies that he is in indigent circumstances, he must be supported without charge (at the expense of the state). Whenever application is made to the clerk for such a certificate as above stated, he must examine under oath such witnesses as may be brought before him, and give or refuse such certificate, as the case may in justice require.

8. Criminal Insane

Commitment of insane persons acquitted of crime. Acts of 1904, Page 315, 15. When a person arrested for a crime or misdemeanor before any court of the state is acquitted by the jury, or not indicted by the grand jury by reason of insanity, and his liberation is deemed by the court to be dangerous to safety, the court is authorized to commit him to the hospital for the insane until he is restored to his right mind.

Removal to hospital of insane convicts. 16. When a convict serving a sentence in the penitentiary becomes insane, the board of control of the penitentiary must petition the court where the penitentiary is located for his removal to a hospital for the insane. The judge must hear and determine the question of the convict's insanity in the same manner and by such proofs as are required by the law for the interdiction of other insane persons. If satisfied that the convict has become insane during his imprisonment, the judge must order his removal to the hospital for the insane.

Upon recovery, the convict must be returned to the penitentiary, to serve out the unexpired portion of his sentence.

Insane persons charged with crime, if restored to sanity sent back to court for trial. Acts of 1910, Page 455, 2.

If any person charged by affidavit, information or indictment, with the commission of any crime is found to be insane before trial or after trial and conviction, the court must order him to be committed to the ward for the criminal insane until he has been completely restored to sanity. If any such person committed to the ward for the criminal insane, in the opinion of the superintendent, is not insane, or when he has been completely restored to sanity, he must be sent back to the jail or custody and held for trial, or that sentence may be executed upon him. The superintendent of the state hospital for the insane must as often as the court requires, furnish information of the status of the criminal insane during his confinement.

Notice of recovery of criminal insane to be sent to clerk of court. Acts of 1910, Page 455, 3.

When any person confined in the ward for the criminal insane has recovered his sanity, who was not guilty of the crime with which he was charged because of insanity, the superintendent of the hospital for the insane must notify the clerk of the district court of the parish wherein the crime was committed, and the sheriff of that parish must return him to the parish for trial.

Persons becoming insane after crime is committed. Acts of 1910, Page 455, 4.

When any person has been committed to a state hospital for the insane, who became insane after his conviction for a crime punishable by imprisonment in the penitentiary or by death, he must not be restored to liberty, but upon regaining his sanity be delivered to the custody of the sheriff of the parish wherein he was convicted in order that the sentence of the court may be executed. When any person charged with a felony necessarily punishable in the state penitentiary, or by death, has been adjudged insane, before or after trial or conviction, and committed to a state hospital for the insane, he must not be discharged from the hospital for the insane or delivered into the custody of the proper sheriff until the superintendents of the two state hospitals for the insane and, in case of their disagreement, a physician appointed by the judge of the district court from whence the criminal insane person was committed, are satisfied after a thorough examination that he has been completely restored to sanity and may be discharged without danger to others.

MAINE

Authorities:

Revised Statutes of Maine, 1903

Laws of Maine, 1905, 1907, 1909, 1911

1. Administration and Supervision

a. General. The state is without a board having general supervision and control of the insane.

b. Institutional, administrative and supervisory agencies.

Statutes, 1903, Chap. 144, 1. The state hospitals for the insane are under the management of a committee of seven trustees, one of whom must be a woman, appointed by the governor with the advice and consent of the council, to hold office during the pleasure of the governor and council, but not for more than three years under one appointment.

2. In addition to the general care and management of the hospitals, the trustees are authorized to establish by-laws for their

3. internal government and economy, and to appoint a superintendent, steward and treasurer for each hospital, subject to the approval and to hold office during the pleasure of the governor and council; and all other necessary officers.

Laws of 1909, Chap. 50, 4. Each hospital must be examined monthly by two trustees, quarterly by three, and annually by a majority of the full board, and at any other time when they deem it necessary, or the superintendent requests it.

Duties and powers of superintendent. 8. The superintendent of each hospital must, among other things, receive all patients legally sent to the hospital, unless the number exceeds the accommodations, and apportion the number of patients who can be accommodated in the hospitals

9. among the towns, according to their population by the last census. When applications for admission exceed or are liable to exceed that number of patients, he must give preference to those from towns that have not their full proportion of

10. patients in the hospital, and may reject others. When a person has been unlawfully committed, the superintendent must report the case to the trustees, and they may have the person removed to the town from which he was committed. The superintendent, at each monthly visit of the trustees, must report to them any inmate who was idiotic

at the date of his commitment, and who has become so imbecile as to be beyond cure, and if he thinks that such inmate may safely be discharged, the trustees must order his discharge and removal to the town by which he was committed.

A committee of two, with whom must be associated one woman, are appointed by the governor annually to visit both hospitals to ascertain the treatment given the inmates, and they must promptly report every instance of abuse or ill-treatment to the trustees and superintendent of the hospital. Committee of visitors. 30.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane.

Local. Harmless incurable and other insane who can not be received at the state hospitals may be provided for at the town almshouses, which are under the care and management of the overseers of the poor of the town.

3. Commitment

a. Classes committed. All insane who are legal residents of a town are entitled to admission to the state hospitals for the insane.

b. Legal procedure in commitment. Parents and guardians of insane minors, if of sufficient ability to support them there, must within thirty days after an attack of insanity, without legal examination, send them to one of the hospitals and give to the treasurer the bond required, or they may send them to some other hospital for the insane, within this period. Chap. 144, 15.

Insane persons, not thus sent to any hospital, are subject to examination. The municipal officers of towns constitute a board of examiners, and on complaint in writing of any blood-relative, husband or wife of an alleged insane person, or of any justice of the peace, they must immediately inquire into his condition, appoint a time and place for a hearing, and notify the person alleged to be insane. They must take the necessary testimony, and if they think such person insane, and that his comfort and safety or that of others interested will thereby be promoted, they must forthwith send him to either one of the insane hospitals with a certificate of insanity, and direct the superintendent to receive and detain him until he is restored or discharged. Chap. 144, 16.

Certificate of physicians. Chap. 144, 17.

To establish the fact of insanity, the evidence of at least two reputable physicians given by them under oath before the board of examiners is required, together with a certificate signed by the physicians and filed with the board, the evidence and certificate to be based upon due inquiry and personal examination of the person in question.

Judges of probate have powers to examine cases. Laws of 1907, Chap. 50, 1.

The judge of probate in the several counties likewise has power to examine insane persons, and upon complaint in writing of any blood-relation, husband or wife of the alleged insane person, or of any justice of the peace, accompanied by the certificates of some reputable physician stating that in his opinion the person is insane, may immediately appoint a time and place for hearing the case within the town or city in which the person resides or is found. The judge of probate has power to summon witnesses, and if the person is found insane, the judge must forthwith send him to one of the hospitals for the insane, directing the superintendent to receive and detain him until he is recovered or is discharged. The registrar of probate must keep a record of the doings in each case and furnish a copy to any interested person requesting

3. and paying for it. The municipal officers or the judge of probate first taking jurisdiction of a complaint have exclusive jurisdiction in the matter until the complaint is finally disposed of. In case of refusal to commit by one of these tribunals after notice and hearing, no complaint may be made to the other tribunal with reference to the same person within thirty days after the decision is recorded; and only after application to each of said tribunals and neglect or refusal for three days on the part of each to act, may further proceedings be taken.

Statutes, 1903, Chap. 144, 26.

c. Appeal from commitment. Persons liable for the support of a patient who has been in either hospital for six months and who has not been committed by the supreme judicial court and is not afflicted with homicidal insanity, may apply to the municipal officers of the patient's town for his

33. release, if they think him unreasonably detained. If the application is unsuccessful, it may not be renewed until the expiration of another six months. When the committee of visitors becomes satisfied that an inmate, other than one charged with

or convicted of crime and committed by order of court, is unnecessarily detained, they must apply for a writ of habeas corpus; and if the judge issuing it is satisfied, after due hearing, that the inmate is not a proper subject for custody and treatment, he must discharge the inmate. When the superintendent of either hospital is in doubt as to the legality of the commitment of any person, he may apply to the judge of the municipal or police court of the city where the person is detained under commitment, asking for an inquiry and decree in the case. 39.

d. Cost of commitment. The town in which an insane person resided or was found at the time of his arrest is liable for the expense of his examination and commitment. Any town thus made chargeable may recover the amount paid for examination and commitment from the insane person, if he is able to pay, or from persons liable for his support, or from the town of his settlement. If he has no legal settlement in the state, the expenses must be refunded by the state. Laws of 1907, Chap. 100, 22.

4. Conveying Patients to the Hospital

If a woman is committed to either of the insane hospitals, the magistrate committing her must, unless she is to be accompanied by a father, husband, brother or son, designate a woman to be an attendant or one of the attendants to accompany her. Laws of 1911, Chap. 167.

5. Transfer of Patients

The trustees may transfer any patients from one hospital to the other, whenever, in their judgment, the welfare of the patients or of either institution will be promoted thereby. The expense is to be paid out of the funds of the hospital receiving the patient and is a charge upon the person liable for the board of the patient. If the board of the patient is paid by the state, the expense of the transfer must be paid by the state. Statutes, 1903, Chap. 144, 5.

The trustees of either insane hospital are empowered to transfer feeble-minded persons, supported entirely at public expense, from the insane hospitals to the school for feeble-minded. A copy of the certificate of commitment to the hospital, together with a certificate of the superintendent declar- Laws of 1909, Chap. 203.

ing the patient to be feeble-minded and not insane, and a certificate signed by the secretary of the trustees of the hospital showing that they voted the transfer, authorizes the superintendent of the school for feeble-minded to receive the patient in the same manner as if he had been originally committed to this institution.

6. Parole and Discharge of Patients

Laws of 1909, Chap. 217. The superintendent of any public institution used wholly or in part for the care of the insane, may permit any inmate temporary leave of absence in charge of his guardian, relatives, friends or by himself for a period not exceeding six months. He may be returned by them or upon his own application within six months without a new commitment, and the liability of the state, the town, or obligator by bond for his support remains in full force upon his return.

A person committed to a hospital for the insane may be discharged by any justice of the supreme judicial court on satisfactory proof that his discharge will not endanger the peace and safety of the community; or the justice may, on application, commit him to the custody of any friend who will give bond to the judges of probate of the counties in which the hospitals are located, conditioned for his safe-keeping, and the payment of all damages which any person may sustain by his acts. And when, on satisfactory proof, he is again found to be insane and dangerous, any justice of the supreme judicial court may, by a precept stating the fact, recommit him to the insane hospital from which he was discharged.

Laws of 1909, Chap. 50, 4. At the annual meeting of the trustees, they, with the superintendent, must make a particular examination into the condition of each patient, including patients committed while under sentence in the state prison or either of the county jails, and discharge any one so far restored that his comfort and safety and that of the public no longer requires his confinement. They may transfer to the care and custody of his relatives and friends applying therefor, on conditions, any patient not held under sentence whom they are satisfied will be properly cared for by the person making the application.

Laws of 1907, Chap. 100, 27. When the overseers of the poor of a town, liable for the expenses of examination of a patient and his commitment to

either hospital, are notified by mail by the superintendent that he has recovered from his insanity, they must have him removed to their town, and if they neglect it for 15 days, the superintendent must have it done at the expense of the town.

7. Cost of Maintenance

The officers ordering the commitment of a person unable to pay for his support, or becoming unable after commitment, must certify the fact to the trustees and that he has no relatives liable and of sufficient ability to pay for his support; in which case the town of his legal residence is liable for the cost of his examination and commitment, while the cost of his support at the hospital is chargeable upon the state. Laws of 1907, Chap. 100, 18.

When the friends of an insane person or others file a bond with the treasurer of the hospital in which he is confined, the state is not liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner and before the same tribunal, as if he had never been admitted to the hospital. Chap. 100, 22.

Any town made chargeable for the commitment and support of the insane person at a hospital, may recover the amount paid from the insane, if able, or from persons legally liable for his support, or from the town where his legal settlement is; but if he has no legal settlement in the state, the expenses must be refunded by the state. Laws of 1907, Chap. 105.

If the trustees of the hospital find that any person or municipality is lawfully liable for the support of an insane patient, they must proceed to collect all sums which have been paid by the state to the hospital for board of the patient from the person or municipality lawfully liable for his support, and thereafter the state is not required to pay for such support, so long as the liability of any person or municipality continues. Laws of 1909, Chap. 92.

8. Criminal Insane

When a person indicted for an offense or committed to jail on a criminal charge makes a plea of insanity, the justice of the court before which the case is to be tried may order him Statutes of 1903, Chap. 138, 1.

sent to one of the hospitals for the insane for observation and report by the superintendent of the hospital. When the grand
2. jury omits to find an indictment against a person by reason of his insanity, they must so certify to the court; and when a traverse jury for the same reason acquit any person indicted, the court may commit him to the insane department of the
3. state prison, or to either of the hospitals for the insane. Any person thus committed must be discharged by the court having jurisdiction of the case only on satisfactory proof that he will not endanger the peace and safety of the community. Upon proof that such person has again become insane and dangerous, any justice of the supreme judicial court may
7. recommit him as insane. If a person convicted of any crime, in the supreme judicial court or in either superior court, is found insane when motion for sentence is made, the court may commit him to the insane department of the state prison, if the crime is punishable by imprisonment in this institution; otherwise the commitment must be to one of the hospitals for the insane. If, at the expiration of the period of commitment to the insane department of the state prison, the person has not recovered, he must be transferred to one of the hospitals for the insane.

Laws of 1905, Chap. 104, 9. Insane persons transferred from the insane department of the state prison to either of the insane hospitals, upon satisfactory proof that such detention in such hospital will have a bad influence on the other patients, may be returned by the order of the governor and council.

Laws of 1905, Chap. 104. 2. The governor must appoint in each county a competent physician, a resident of the county, to act as an examiner of insane convicts in the county jail of the county. When a convict in the state prison or the county jail becomes insane or a convict whose sentence has expired is there detained as insane, the prison physician and the examiner in the county must be notified and must investigate the case. If the convict or person detained is found to be insane, the warden or keeper of the jail must apply to the proper court for a decree.
3. If after hearing the sworn evidence of at least two reputable physicians not in the employ of the state prison or other state jails, the judge determines that the convict or person detained

is insane, he must commit him if held in the state prison to the insane department of the state prison, and if held in one of the county jails, he must commit him to one of the insane hospitals. The certificate of the judge stating the town in which the prisoner or person detained resided, when he is in either of the insane hospitals is sufficient evidence to charge the town for the expenses of his support, if he is detained after sentence on which he was originally committed would have expired, but when his friends or others file a bond with the treasurer of the hospital in which he is confined, such town is not liable for his support. If a person so committed is restored or discharged before the expiration of the term of the sentence on which he was originally committed, he must be returned to the prison and serve out the remainder of his original sentence. 4. 5.

A friend of any person adjudged to be insane and committed to the insane department of the state prison under the foregoing proceedings, who believes him to be unreasonably detained, may apply in writing to any justice of the supreme judicial court, who must inquire into the case. Judicial inquiry into cases of insane convicts. Laws of 1905, Chap. 104, 10.

MARYLAND

Authorities:

Law of Maryland of 1886 as amended by the Act of 1910

1. Administration and Supervision

Section 13. *a. General.* Four commissioners, appointed by the governor
14. for terms of four years, together with the attorney-general,
15. constitute the state lunacy commission. Two of the members must be physicians, graduates of some legally authorized medical college and have been in actual practice at least five years consecutively just preceding their appointment. One of the physicians must have at least two years' experience
16. in the treatment of the insane. The commissioners serve
18. without pay and are required to hold monthly meetings.

Powers of the commission. 19. The lunacy commission has supervision of all matters relating to the custody, care and treatment of the insane; is required to do whatever may be possible to ameliorate and improve their condition and to secure them all their rights and privileges as involuntary wards of the state. The commission has full power to investigate all institutions, public and private, authorized to receive insane persons, and to call for such information as it may need. The secretary of the commission must visit all public and private institutions for the insane, including county almshouses or asylums at least once in six months, ascertain whether the laws governing the care of the insane are observed, and examine the condition of buildings and inmates, as well as records and methods of administration.

21. It is mandatory upon all officers of institutions for the insane to furnish the information required by the commission. Refusal to do so is punishable as a misdemeanor.

24. The commission has power to require written reports from
25. all institutions for the insane and to require records of patients
19. in the form it may prescribe. The commission must encourage scientific investigations by the medical staffs of the various institutions and may publish the results. The commission is required to make an annual report in detail to the governor.

Hospital districts. 38a. The lunacy commission is required to divide the state into hospital districts for the proper care and custody of the insane.

All institutions for the care or custody of the insane must be licensed by the commission, except state or incorporated institutions and county almshouses unless the latter receive patients for pay. On applying for license full plans of proposed institutions and other details required must be submitted to the commission. Upon its refusal to grant a license an appeal may be taken to the superior court of Baltimore or to the circuit court. Licensing private institutions. 27.

b. Institutional, administrative and supervisory agencies. The state hospitals are under the control of boards of managers of nine members each, appointed by the governor for terms of six years, who serve without pay. The boards appoint the superintendents and the other physicians and officers necessary for the management of the hospitals, and have power to remove them. The managers make all the rules and regulations for the government of the hospitals and are required to inspect them at stated intervals. Code, 1904, Article 44.

A board of visitors of five members, two of whom must be women, may be appointed by the lunacy commission for each county asylum and almshouse where insane are confined. The power of such a board is limited to inspection and recommendations to the lunacy commission to which it must make monthly reports of visits. 38e.

No institution for the insane is authorized to hold more than five insane persons in confinement unless there is a physician in regular attendance. 38.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three general hospitals for the insane.

Local. Several of the counties and the city of Baltimore maintain separate departments for the indigent insane. The trustees of the poor and the city of Baltimore are required to receive such insane in their respective almshouses and provide for their support. In Baltimore, the insane department is under the direction of the supervisors of charities. The county asylums are under the control of the county commissioners. 9.

3. Commitment

a. Classes committed. All insane persons are entitled to admission to the state hospitals for the insane or the county or city almshouses, according to the circumstances of the case.

Page 1472, 1. *b. Legal procedure in commitment.* The county commissioners and the supervisors of charities in the city of Baltimore must cause indigent insane persons who have no relatives or others liable for their support to be sent, upon the written certificate of two qualified physicians, to the almshouse of the county or city to which they belong, or to a hospital or some other place better suited to their condition. If demanded by an alleged insane person or his relatives or friends, or on the request of the county authorities or the supervisors of charity in Baltimore, the circuit court of the county or the criminal court in Baltimore must convene a jury to inquire into the insanity of the person concerned. If the authorities before whom the person is brought are not satisfied that he is insane, the state's attorney of the county or city of Baltimore must be notified and immediately bring the question before the circuit court or the criminal court of Baltimore for determination. Relatives or friends of such insane persons may confine them and provide for them.

Certificate of physicians required. 31. No person may be committed or confined in any institution for the insane except upon written certificate of two qualified physicians, made within one week after examination of the alleged insane person, stating his insanity and giving the 32. reason for their opinion. It is unlawful for any physician to certify to the insanity of any person for the purpose of committing him to an asylum or institution for the insane, with which the physician may be in any manner connected or interested in.

Voluntary commitment. 37. The medical superintendent or chief officer of any institution for the insane, except almshouses, may receive voluntary patients who make application in writing, provided that the expense be borne by the person applying or by his relatives or friends. No voluntary patient may be detained for more than three days after having given notice of desire to leave the institution unless he in the meantime has been legally committed. No person may be received or detained as a

voluntary patient whose mental condition is such or becomes such that he can not comprehend the act of voluntary commitment or is unable to request a discharge, or to give continuous assent to detention. Every voluntary patient must be reported to the lunacy commission, with a statement of his mental condition at the end of each three months of his residence in the institution.

c. Appeal from commitment. The lunacy commission at any time when it believes a person confined in any institution as insane to be not insane, may bring the matter to the attention of the proper state's attorney who must apply to the proper tribunal for the writ of habeas corpus. After inquiry, the court must discharge the person if found sane, or order him returned to the institution if found insane. 20.

d. Cost of commitment. The expense of securing the commitment of insane persons is a charge upon the county from which they are sent.

4. Conveying Patients to the Hospital

No female patient may be conveyed to any institution for the insane or transferred from such institution except when accompanied by some relative, friend or nurse of the same sex, unless accompanied by her father, husband, or adult brother or son. 38b.

5. Transfer of Patients

The lunacy commission may transfer acute or violent insane patients confined in a private institution or county almshouse to a state hospital at the expense of the county in which the patient is found. The commission may also transfer patients whose condition is chronic or who are likely to do as well, from a state hospital to a county asylum which has conformed to the rules of the commission in regard to the care of the insane, but only with the written consent of the immediate relatives of the patient. 38b.

6. Parole and Discharge of Patients

Whenever in the opinion of the chief medical officer of any institution for the insane it may benefit a patient to be granted leave of absence or parole on trial, he may grant it for not exceeding thirty days upon application in writing, indorsed Parole. 38c.

by the relatives, friends or other persons at whose expense the person was first committed, and who must assume responsibility for his care. No subsequent extension of leave of absence may be made, and no patient may be again admitted to any institution who has been absent from it for more than sixty days, or for more than thirty days, in case the parole had not been extended as above provided, except under a new commitment. Any such patient may be returned by his friends or brought back by the duly designated officers of the institution at or before the expiration of the period of parole.

Discharge. 38d. The superintendent or chief medical officer of every institution for the insane must discharge a patient, except one under criminal charge, if satisfied that he has recovered. He may also discharge any quiet and harmless patient who is not likely to show a further improvement, if he is satisfied that such patient will be properly cared for and supervised. He may not discharge any person whom he has reason to believe to be dangerous to himself and others, except upon the order of some competent court. The relatives or friends may remove a patient maintained at private expense at their discretion at any time; but in the case of a person believed by the superintendent of the institution to be dangerous to himself and others, he must give notice to those making the removal that the patient is dangerous, state his reason for this belief, and file a copy of such notice with the papers upon which the patient was committed.

7. Cost of Maintenance

3. No person may be treated as an indigent insane in any home or hospital for the insane in the state, who possesses sufficient income for his support or who has relatives who are able to pay for it. When an insane person is not able to pay the whole cost of his maintenance, but may be able to pay for part of it, the supervisors of the city charities of Baltimore and elsewhere the county commissioners may designate the rate per week which shall be reimbursed to the county or city of Baltimore.

9. If an insane person is possessed of sufficient property to support him in any hospital or asylum for the insane, the court must appoint a trustee for the estate of such person

under bond that will cause the insane person to be confined and supported in some hospital. The trustees of the poor of the several counties and the city of Baltimore must receive all persons committed to their respective almshouses and provide for their accommodation and support, the expenses to be levied upon the counties and said city.

The expense for the care and treatment of all patients in the state hospitals for the insane is a charge upon each county sending them. When a patient is held to be a charge upon another county than the one made responsible for his maintenance in the first instance, the state comptroller must determine the patient's legal residence and issue orders accordingly. When a patient is not a proper charge upon any county, he must be supported by the state. 38g.

8. Criminal Insane

When a person indicted for a criminal offense alleges insanity and the jury finds him insane, the court trying the case must cause him to be sent to the almshouse of the county or city in which he resided when the offense was committed or to a hospital or some other suitable place, until he has recovered his reason. Any judge of the circuit court of any county where such a person is detained, or of the supreme bench of Baltimore city may, upon habeas corpus proceedings, order absolutely or conditionally the permanent or temporary discharge of the person upon proof of temporary or permanent recovery. If a person arrested for any offense or charged with any crime appears to the court to be insane, the court must cause an inquiry by jury, and if the jury find such person insane, the court must order him to be confined as above stated, at the expense of the county or city, until his recovery. 4. 5. 6.

The board of directors of the penitentiary or house of correction may summon the lunacy commission to examine into the mental condition of the convicts, and if a convict is adjudged insane or feeble-minded by the lunacy commission or the majority thereof and his removal seems advisable, the commission must make complaint to the judge of the criminal court of Baltimore or of one of the circuit courts, who has power to order the removal of the convict to some insane asylum within the state, at the expense of the state. 38f.

MASSACHUSETTS

Authorities:

Acts of Massachusetts, Chapter 504, 1909

Acts of Massachusetts, 1910, 1911

1. Administration and Supervision

State board of insanity. 7. 2. 3. 4. 1.

a. General. The general supervision of all institutions, public and private, for the insane, feeble-minded, epileptic, inebriates and drug habitues, is vested in the state board of insanity, consisting of five persons, at least two of whom must be experts in insanity, appointed by the governor for terms of five years. The members of the board serve without pay. The executive officer of the board must be a physician and an expert in insanity. The board is required to make an annual report in regard to the work of each of the different institutions under its charge including classified statements of receipts, expenditures and estimates of expenditures for the year ensuing.

Duties and powers of state board. 6. 8.

The board is required to encourage scientific investigation by the medical staffs of the various institutions under its supervision, and publish from time to time bulletins and reports of the scientific and clinical work done. It inspects and approves all plans and specifications for new buildings, to be used as institutions under the board.

Board to investigate question of sanity. 9.

The board as a commission of insanity has power to investigate the question of the insanity and condition of any person who is an inmate of any institution for the insane, public or private, or restrained of his liberty by reason of alleged insanity at any place within the commonwealth, and must discharge him, if he is not insane or can be cared for without danger to others, and with benefit to himself. All questions as to the sanity of inmates of the penal, reformatory and other institutions must be referred to and determined by the board, except as is otherwise provided by law.

10. 11.

The board must visit every institution under its supervision at least twice a year, and make all necessary inspection; prescribe the forms of application, medical certificate, and order of a commitment required by law in the commitment of all insane; keep records of all commitments and admissions, etc.

If the board has reason to believe that an insane person is confined in an almshouse or other place at public charge or otherwise, it must cause application to be made to a judge for his commitment to an institution under its supervision. 12.

The trustees or superintendents of any institution coming under the supervision of the state board must furnish it all the information required and immediately notify the board if there is any question as to the propriety of the commitment of any person received. Trustees to furnish information. 27.

The board and the boards of trustees of the state institutions under its supervision must meet semi-annually for consultation. 13.

On the recommendation of the state board of insanity, the governor and council may license any suitable person to keep a hospital or private house for the care and treatment of the insane, epileptic, feeble-minded, and of persons addicted to the intemperate use of narcotics or stimulants. The applicant applying for a license must be a duly qualified physician with practical experience in the care and treatment of such patients. Licensing of private institutions. 24.

For establishing or keeping such a hospital or private house without a license, unless otherwise authorized by law, the penalty is a fine of not more than $500. 25.

b. Institutional, administrative and supervisory agencies. Each state hospital is governed by a board of seven trustees, five men and two women (except one which has only men trustees), all of whom are appointed by the governor for terms of seven years. 15.

The trustees have charge of the general interests of the institutions, appoint the superintendent and assistant physicians, a treasurer, and establish by-laws for the appointment of other officers as well as the regulations necessary for the conduct of the institution. In each institution receiving female patients and having more than two assistant physicians, one of these must be a woman. The trustees must provide for a monthly inspection of the fire apparatus and drill of officers and employees in its use. (The law requires that each institution shall have proper fire escapes and fire apparatus and receive a written certificate of approval in regard to these matters from the proper inspector of factories and public buildings.) 17. 18.

20. At least two of the trustees must visit the institution monthly, a majority of them quarterly and the whole board semi-annually. The trustees make an annual report to the governor and council.

2. Provisions for the Care of the Insane

State care of the insane. 1. The commonwealth has the care, control and treatment of all insane, and no county, city or town may establish or maintain any institution for the insane, or be liable for the board, care, treatment or act of any inmate thereof.

a. In institutions—State. The state maintains fourteen state establishments for the care of the insane. Of these, one is an institution for epileptics, one for the criminal insane, one a hospital also for inebriates, a so-called state colony for the insane, and one a psychopathic institute. The others are general hospitals for the insane.

Local

71. *b. In families.* Harmless patients of any institution for the insane other than those committed as inebriates may be placed at board in families by the state board of insanity or by the 73. trustees of the institution. The board must have all persons so boarded out by it visited by an agent once in three months, and those boarded out by trustees visited once in six months, by an agent of the board. The trustees must have all persons boarded by them in families visited once in three months.

3. Commitment

a. Classes committed. All insane persons, except feeble-minded, are entitled to admission to state institutions for the insane. Insane epileptics are committed to a special institution. Provision is also made for the commitment of inebriates to hospitals for the insane, if female.

Who may commit the insane. 29. *b. Legal procedure in commitment.* Judges of probate for the counties of Suffolk and Nantucket or a justice of a police, district or municipal court (except the municipal court of the city of Boston) within his county, may commit to any hospital or institution for the insane, whether public or private, designated by the state board of insanity, any person then residing in the county, who is a proper subject for treatment or custody. Except in the case of the absence or

incapacity of the justice or in case of other emergency, no special justice of a police of the district court or municipal, may make a commitment.

Certificate of physicians required. 30.

Commitment may not be made unless there has been filed with the judge a certificate of the insanity of the alleged insane person by at least two physicians, nor without an order signed by the proper judge, stating that he finds the person committed to be insane, and either that he has been an inhabitant of the commonwealth for six months immediately preceding the finding, or that provision satisfactory to the state board of insanity has been made for his maintenance, or that by reason of insanity he would be dangerous if at large. The order of commitment authorizes the custody of the insane person either at the hospital to which he is first committed, or at some other hospital to which he may be transferred. The judge must see and examine the alleged insane person if he deems it advisable to do so, and must certify to the residence of the person at the time of his commitment. The judge may call in a third physician when he deems it advisable. 31.

Qualifications of physicians. 32.

A physician making a certificate of insanity must be a graduate of a legally chartered medical school, have been in actual practice for three years since graduation and for the three years last preceding, and be registered in accordance with the laws of the commonwealth. His standing, character and professional knowledge of insanity must be satisfactory to the judge. The physician must have examined the alleged insane person within five days of the certificate. A copy of the certificate, attested by the judge, must be transmitted to the superintendent of the hospital to which the insane person is committed, who in turn transmits copies to the state board of insanity.

Certificate, when valid. 32.

A certificate bearing date more than ten days prior to the commitment of a person alleged to be insane is void. No certificate is valid or may be received in evidence if signed by a physician holding an appointment, except in a consulting or advisory capacity, in a hospital for the insane to which the person is committed. 33. A statement containing facts in the form prescribed by the state board must be filed with the application and a copy sent to the superintendent of the institution.

Laws of 1911, Chap. 273.

An order of commitment is void if the patient has not been received at the hospital within thirty days.

Notice to relatives. 33.

Within two days after the reception of an insane patient the superintendent must send notice of his commitment by mail to all persons whose addresses appear on the statement, or to any other two persons whom the patient may designate.

Arrest of insane. 34.

After hearing such evidence as he may regard as sufficient, the judge may cause the apprehension of the alleged insane person if it is necessary or proper to do so and place him in such custody or confinement as he sees fit.

Hearing before jury. 36.

The judge may summon a jury of six men to hear and determine whether the alleged insane person is insane. In such cases the judge shall have the same authority as the

39.

supreme judicial court to enforce the attendance of jurors

38.

and witnesses and to impose fines for non-attendance. The verdict of the jury is final.

Emergency cases. 42.

The superintendent of any hospital for the insane may, without an order of a judge, receive and detain for not more than five days any person whose case is certified to be one of violent and dangerous insanity, or of other emergency, by two physicians qualified as provided by law. Officers entitled to serve a criminal process or any member of the district police must upon the request of the applicant or of the certifying physicians cause the arrest and delivery of such a person to the superintendent. The person applying for such admission must within five days cause the alleged insane person to be committed or removed from the hospital under a penalty of $50 and liability to the hospital for the expense incurred.

43.

If a person is found by two qualified physicians to be in such mental condition that his commitment to a hospital for the insane is necessary for his proper care or observation, he may be committed to a state hospital for the insane or to the McLean Hospital (a private institution), under such limitations as the judge may direct, pending the determination of his insanity.

Temporary care. 44.

The superintendent of any state hospital for the insane and the McLean Hospital may receive for temporary care, not exceeding seven days, any person suffering from mental disease, on the written application of his guardian or that

of the chief of police, a selectman, the state board of charity or the state board of insanity, accompanied by the certificate of a qualified physician that temporary care is necessary. The person applying for such an admission must within seven days cause the patient to be committed, provided he does not sign a request to remain, or to be removed from the hospital, under a penalty of $50 and liabilities to the hospital for the expenses incurred.

Voluntary commitment. 45.

The superintendent of any institution to which an insane person may be committed may receive any person as a voluntary patient who makes written application and is mentally competent to make it. A voluntary patient may not be detained for more than three days after having given notice in writing of his desire to leave the institution. Due notice must be given the state board of insanity of each case of admission of violent and of temporary and voluntary patients.

46.

Commitment of insane epileptics. 57. 58.

Insane epileptics may be committed to the Monson State Hospital in the same manner as other insane persons are committed. Voluntary patients may also be received in this hospital who make written application, accompanied by a physician's certificate, if of such age and mental condition that they are competent to make application, or application may be made by parent or guardian. No voluntary patient to the Monson State Hospital may be detained more than three days after having given notice in writing of his intention to leave.

Temporary care pending commitment. Laws of 1911, Chap. 394.

A person suffering from insanity or mental confusion, except delirium tremens and drunkenness, may not be placed in any jail or place of detention for criminals. If he has been so placed in a case of emergency he must be examined by a physician, given proper care and not be detained for more than 12 hours. Any person not so placed, except in the city of Boston (where all such persons are to be taken to the psychopathic hospital), must be cared for by the board of health of the city or town in which he is found, which must have him examined by a physician and committed to an institution, unless he recovers or is suitably provided for by relatives or friends.

Acts of 1911, Chap. 395.

Superintendents of public or private hospitals for the insane

may, when requested by the proper official, receive for not more than seven days a patient needing immediate care and treatment because of mental derangement other than delirium tremens or drunkenness. The superintendent must either have such a person examined by two physicians, who shall make application for his commitment according to law, or have him removed within seven days.

Commitment of inebriates. 50.

Male inebriates may be committed to the Foxboro State Hospital, the McLean Hospital, or to a private licensed hospital; female inebriates may be committed to any hospital or licensed receptacle for the insane, except the Foxboro State Hospital. No commitment may be made except upon satisfactory evidence to the judge that the person in question is not of bad repute or of bad character apart from habitual intemperance. The magistrate who receives the application for such commitment must examine on oath the applicant and all other witnesses. The person to be committed is entitled to a hearing unless he waive it in writing, in which case order may be issued for his immediate commitment. A person thus committed may be detained for two years from the date

51. of his commitment, but no longer. A person may appeal from the order of commitment as a dipsomaniac or one addicted to the intemperate use of narcotics to the superior court.

Voluntary admission of inebriates. 54.

Dipsomaniacs or intemperate users of narcotics may be admitted as voluntary patients to the Foxboro State Hospital or any hospital or receptacle for the insane, but may not be detained for more than three days after having given notice of intention or desire to leave the institution.

78. *c. Appeal from commitment.* There is no provision for appeal from an order of commitment. But any person may apply to a justice of the supreme judicial court at any time for the discharge of a person whom the applicant believes

79. ought no longer to be confined as insane. The alleged insane person may be brought before the justice at the hearing on a writ of habeas corpus. The case may be heard with or

80. without a jury, and if it is found that the person is not insane, or not dangerous, and ought no longer to be confined, he must be discharged.

d. Cost of commitment. The expenses attending the process of committing and delivering an insane epileptic, dipsomaniac or drug habitue to a state institution are chargeable to the county in which commitment was made. If commitment does not result, the expenses incurred in seeking commitment are likewise chargeable to the county. All such expenses must be refunded the county paying them by the county of which the person in question is an inhabitant. But if the person was an inmate of a state institution at the time of his commitment or denial of application for the same, the expenses must be repaid by the county of which he was an inhabitant at the time of admission or by the county from which he was sent if he is without legal residence in any county. The expense of returning a patient on temporary leave, must be paid by him or by his guardian, relatives or friends, if of sufficient ability, or may be paid by his county if a new commitment is necessary. The expenses of committing a pay patient are to be borne by the applicant or by a person in his behalf. Acts of 1910, Chap. 420.

4. Conveying Patients to the Hospital

If a woman is committed to an institution under the supervision of the state board, the committing magistrate must, unless she is accompanied by her father, husband, brother or son, designate a woman to be an attendant to accompany her thereto. 47.

5. Transfer of Patients

The governor may at any time cause an inmate of a state institution under the supervision of the state board of insanity to be removed to another such institution as the circumstances of the case may require. The state board of insanity may transfer any inmate to and from any institution under its supervision. But no inmate may be transferred to be detained as an insane person unless he has been duly committed as insane, and no person may be transferred to the Bridgewater State Hospital unless he has been a criminal. The board may also remove pauper inmates of institutions, who are not subject to the orders of a court, to the county or place where 68. 69. Amendment of 1911.

they belong. But no person born outside of the jurisdiction of the United States may be removed outside its jurisdiction if he has been a resident of Massachusetts for five years immediately preceding his commitment and has not been confined in a penal institution within the five years. The board may not transfer any person to or from a private institution except upon the application of the superintendent of such institution, nor transfer any voluntary inmate except with his written consent.

70.

6. Parole and Discharge of Patients

Parole of patients. 74.

The state board may permit a patient boarded in a family temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself for a period not exceeding one year, and may receive him again into custody when returned by a guardian, relatives, or friends, upon his own application within this period without a new commitment.

The superintendent of any hospital for the insane, or epileptic, may permit an inmate temporarily to leave the institution for a period not exceeding six months and may receive him within this time without a new commitment. It may be made a condition of leave of absence that the person in whose charge the person is report his condition to the superintendent. Any superintendent, guardian, relative or friend may terminate the leave of absence at any time and authorize the arrest and return of the patient. Any person who has not been returned to the institution at the expiration of six months is held to be discharged.

Discharge of patients. 76.

The superintendents of any public or private institution receiving the different classes of patients, when authorized by their respective trustees or the state board of insanity, or on a written application, a judge of probate for the county in which the institution is located or in which the inmate has his residence, or a justice of the supreme judicial court, after due notice to the superintendent, trustees or state board, may discharge any inmate if it appears that he will be properly cared for or that his detention is no longer necessary for his own welfare or the safety of the public. If the guardian or any relative of an inmate opposes the discharge, it may not be made without written notice to the person opposing

it. The provisions of this section do not apply to persons committed by a court.

No unrecovered inmate who is known to have committed or attempted violence to others, or who is likely to become dangerous, may be discharged or given leave of absence without the approval of the state board of insanity. The board may, if it can not agree with the opinion of the superintendent in the case, file a petition for instructions in the probate court of the county in which the institution is situated, and may have the patient examined by one or more experts in insanity. 77.

Pauper insane must upon discharge be provided with suitable clothing and money not exceeding $20, at the discretion of the trustees. Inquiry must be made in regard to the future situation of every patient discharged. No person may be discharged or paroled temporarily unless one of the hospital physicians has examined his mental condition within forty-eight hours of his deportation. 81.

Rendition of insane persons.

The governor may upon demand deliver to the executive of any other state or territory any person who has escaped from an institution for the insane or who may be dangerous to the safety of the public and he may issue a warrant for the arrest of the person in question. Provision is made for due notice to the person who is arrested, so that he may have an opportunity to apply for a writ of habeas corpus. 87. 88. 89.

Unlawful commitment.

Penalties are prescribed for wilfully conspiring to commit a person unlawfully to an institution for the insane as well as for the ill-treatment or neglect of any patient on the part of the hospital authorities or employees. 91. 92.

Regulating mechanical restraint. Laws of 1911, Chap. 581, 1.

The use of mechanical means of restraint may not be applied on any patient in any public or private hospital for the care or custody of the insane unless applied in the presence of the superintendent, or of a physician of the institution, or on his written order, which must be preserved in the records of the institution, and only in cases of extreme violence, active homicidal or suicidal condition, physical exhaustion, infectious disease, or following an operation or accident which has caused serious bodily injury, except in cases of emergency. But every emergency case must immediately be reported to

the superintendent or to the physician or assistant physician of the institution, who must at once investigate the case, and approve or disapprove the restraint imposed.

2. The records of all restraint must be kept in a book open for inspection at all times by the trustees or other persons having control of the institution, the state board of insanity, the governor and council, and members of the general court. Restraint also includes therapeutic and chemical restraint and confinement in a strong room, or seclusion in solitary confinement.

3. The superintendent or head physician must keep personally under lock and key all implements or apparatus of restraint not in actual use.

4. The above provisions do not apply to the prolonged bath, to the hot or cold pack, or to medication when used as a remedial measure and not as a form of restraint.

Any one who knowingly violates this act is deemed guilty of a misdemeanor and may be fined not less than $50 nor more than $300 for each offense.

Appointment of guardian. 99. The relatives or friends of an insane person or the mayor and aldermen of the city or the selectmen of the town in which he lives may apply to the probate judge for the appointment of a guardian for him after due notice has been given. An 100. examination by physicians may be had. Upon application of any of the same parties a temporary guardian may be appointed for an insane person by the probate court, with or without notice of hearing.

7. Cost of Maintenance

All indigent insane are maintained at the expense of the state.

8. Criminal Insane

Temporary commitment of criminal insane. 103. If a person charged with any crime is at the time appointed for trial or sentence, or prior thereto, found to be insane, or of such mental condition that his commitment to a hospital for the insane is necessary for the proper care and observation pending the determination of his insanity, the court may commit him to a state hospital for the insane under such limitations as it may order, and may employ experts in insanity

to examine him. When, in the opinion of the trustees and superintendent of the hospital, he is restored to sanity, he must be returned to custody from which he was removed, and held in accordance with the terms of the process by which he was originally committed.

Commitment of insane felons. 104.

If a person indicted for murder or manslaughter is acquitted on the ground of insanity, the court must order him committed to a state hospital for the insane during his natural life, and he may be discharged by the governor with the advice and consent of the council, when they are satisfied after an investigation of the state board of insanity that it may be done without danger to others.

Commitment of insane found in prisons. 105.

The state board of insanity must designate two experts in insanity to examine, together with the prison physicians, the prisoners in the state prison or the Massachusetts reformatory or the reformatory prison for women, who are alleged to be insane, and report the result to the superior court of the county in which the prison is situated. The court may, if it considers the prisoner insane, order his removal, if a male prisoner, to the Bridgewater State Hospital; and, if a female, to one of the state hospitals for the insane, there to be kept until, in the opinion of the superintendent and the trustees of the hospital, he or she should be returned to prison. If a prisoner 106. under sentence in a jail, house of correction or prison other than those mentioned in the preceding paragraph, appears to be insane, the physician in attendance must make a report to be transmitted to the proper judge, who may order the prisoner removed to the Bridgewater State Hospital, or any other state hospital for the insane, if in the opinion of the judge the prisoner has not been criminal or vicious in his life; but no female prisoner may be removed to the Bridgewater State Hospital. If a person so removed is, in the opinion of the trustees and the superintendent of the hospital, restored to sanity, he must be returned to the prison or house of correction from which he was removed, to remain pursuant to the original sentence, computing the time of detention or his confinement in the hospital as part of the term of imprisonment.

MICHIGAN

Authorities:

Compiled Laws of Michigan, 1897

Public Acts of Michigan, 1899, 1903, 1907, 1909, 1911

1. Administration and Supervision

2250. *a. General.* The state board of charities and corrections is composed of four residents of the state, appointed by the governor for terms of eight years. The governor is ex-officio a member of the board.

2252. The members of the board, or one of their number, or their secretary, must at least once a year visit and inspect state and local charitable and correctional institutions to ascertain their condition and management. They have authority to administer oaths and to examine any person connected with the institu-

2253. tions. They serve without pay and make a biennial report

2254. to the governor.

b. Institutional, administrative and supervisory agencies.

Laws of 1903, 217, 3. Each of the general asylums for the insane is under a board of trustees of six members appointed by the governor for terms of six years and subject to removal by him. The psychopathic

Laws of 1907, 278, 2 and 3. hospital is under the direction of a board of trustees composed of four members selected from the boards of trustees of the Michigan asylums for the insane and an equal number of the members of the board of regents of the state University of Michigan. The state asylum for the dangerous and criminal insane is controlled by a board of trustees consisting of three members appointed from the boards of the other asylums.

Laws of 1903, 217, 5. The government and exclusive control of the several asylums is vested in the several boards of trustees who serve without compensation. The boards have control of all the property, exercise general supervision, appoint medical superintendents, other employees, treasurers, and determine the salaries of employees, and establish rules. The board of trustees meet jointly at least twice each year, at the different asylums, to adjust all questions that may arise pertaining to their institutions; and the joint boards may transfer patients from one asylum to another if it becomes necessary or desirable.

The medical superintendent of each asylum, subject to the regulations established by the board of trustees, has general oversight of the institution, nominates co-resident officers and appoints other assistants. Laws of 1903, 217, 9.

The Wayne county asylum for the insane is under the management of the board of county superintendents of the poor, consisting of seven members who are elected in the same manner as other county officials.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains four general hospitals for the insane called asylums, a psychopathic hospital and an asylum for the dangerous and criminal insane.

Local. Wayne county maintains an asylum for the insane. Patients are transferred from county to state charges as in the state asylums. A few insane persons are cared for in the county infirmaries.

3. Commitment

a. Classes committed. All insane persons residents of the state, not feeble-minded or epileptics, are entitled to admission to the state asylums.

Insane patients are divided into three classes: 1, public patients, maintained at the expense of the state; 2, private patients maintained without expense to the state; 3, voluntary patients, who are not insane and are maintained without expense to the state. Laws of 1903, 217, 13.

A non-resident may be admitted to an asylum for temporary care, pending his return to his home, and boards of trustees must remove any person admitted to an asylum who has not acquired a legal settlement in the state to the county or state to which he belongs. Admission of non-residents. Laws of 1903, 217, 30.

b. Legal procedure in commitment. The father, mother, husband, wife, brother, sister or child of a person alleged to to insane, or the sheriff, or any superintendent of the poor, or supervisor of any township, or any peace officer within the county in which an alleged insane person is found, may petition the probate court of the county for his admission to an asylum for the care of the insane. The petition must contain a statement of the facts upon which the allegation of insanity Laws of 1909, Page 185, 16.

is based. The court must fix a day for a hearing and appoint two reputable physicians to make the required examination of the alleged insane person, whose certificate must be filed with the court on or before hearing and served personally, at least twenty-four hours before the hearing, upon the person alleged to be insane, and if made by a sheriff or peace officer, also upon the father, mother, husband, wife or some one next of kin of the alleged insane person, residing within the county, and upon such of the relatives outside of the county and within this state as may be ordered by the court, and also upon the person with whom the alleged insane person may reside. The court may dispense with personal service or may direct substitute service to be made upon some person to be designated by it. In such cases, the court must appoint a guardian *ad litem* to represent the insane person at the hearing. The court must institute an inquest as to the alleged insanity of the person, and in all cases take proofs in writing of the financial circumstances of his relatives legally liable for his support, and as to the person's legal settlement. If no jury is demanded, the probate court determines the question of the sanity or insanity. If the court deems it necessary, or if the alleged insane person, or any relative, or other person concerned demand it, a jury must be summoned to determine the question of insanity. If it appears upon the certificate of two legally qualified physicians to be necessary, the court may order the alleged insane person to be placed in the custody of some suitable person or to be removed to the asylum of the district in which he resides, or to any hospital, home or retreat pending the proceedings for commitment, but not for more than thirty days, except by special order of the court. The alleged insane person has the right to be present at the hearing.

No person may be admitted to an institution under order of commitment after the expiration of thirty days from its date.

Acts of 1911, 155, 14.

No resident of the state may be held as a public or private patient in any asylum, public or private, or in any institution for the care or treatment of the insane, except upon certificates of insanity and an order for admission; provided, that a person adjudged to be so addicted to the excessive use of

intoxicating liquors or narcotics as to be in need of medical treatment and care, for whom a guardian has been appointed, may be restrained by the guardian in some suitable hospital or asylum; provided, further, that a judge of any court of record or police justice of any city or county may, upon a certificate of two legally qualified physicians, authorize any superintendent of the poor or peace officer of the city or county to remove to a hospital or other place of detention, a person believed to be insane against whom no proceedings have been instituted and detain him until proceedings are instituted in the probate court. The period of such temporary detention must not exceed five days, unless by order of the probate court.

Acts of 1911, 25.

Certificates of insanity must be made by two reputable physicians, under oath, appointed by the probate court of the county in which the alleged insane person resides. The physicians must be permanent residents of the state, duly registered, have the qualifications prescribed by the laws of the state for the practice of medicine and surgery, and may not be related by blood or marriage to the insane person nor to the person applying for the certificate. Their qualifications must be certified to by the clerk of the county in which they reside. Neither of the physicians may have any interest directly or indirectly in the institution to which it is proposed to commit the person. The physicians must make a personal examination of the alleged insane person enabling them to form an opinion as to his sanity or insanity, and no certificate of insanity may be made except after personal examination. Certificates of insanity must contain the facts and circumstances upon which the opinion of the physicians is based, and show that the condition of the person examined requires his care and treatment in an asylum for the insane. A copy of the physician's certificate together with a copy of the application for commitment of the patient must accompany the order of commitment.

Commitment to private institution. Acts of 1903, 217, 25.

When the asylums of the state are unable to receive patients for lack of room, the court is authorized to order the admission of any person who has been adjudged to be insane as a public patient to any private asylum in the state with which a contract for the care and maintenance of public patients has been made.

If relatives or friends request it, the court must order his commitment to a private institution for the insane.

Voluntary patients. Acts of 1903, 217, 29.

All residents of the state who are afflicted mentally, or with serious nervous disability, but who are not insane, may be admitted to the hospitals connected with the asylums as voluntary patients, at the discretion of the medical superintendent and under special agreement, when there is room. No order of probate court is necessary for such admission. In the case of any voluntary patient, a certificate, signed by two reputable physicians having the qualifications prescribed by law, stating that the person needs asylum treatment, but is not insane, must be presented to the medical superintendent. The certificate must be accompanied by a certificate from the county clerk. Voluntary patients may be discharged at any time by the medical superintendent. Indigent patients may, by action of the board of trustees, be admitted as voluntary patients. If any voluntary patient in any asylum of this state is believed to be insane, he may be admitted to an asylum as insane by order of the probate court in the county in which he lives after the prescribed legal proceedings.

Writ of habeas corpus. Acts of 1903, 217, 35.

c. Appeal from commitment. Anyone in custody as an insane person in any asylum, home or retreat, is entitled to a writ of habeas corpus upon a proper petition to the circuit court of the county of which the asylum, home or retreat is situated, made by him or some friend in his behalf.

d. Cost of commitment. The expenses of committing a person to an asylum, including the cost of transportation, necessary clothing, etc., are paid by the county of which the person is a resident, if he has no estate out of which it can be collected.

4. Conveying Patients to the Hospital

Acts of 1899.

The judge of probate may appoint a proper person to convey an insane patient to the hospital.

5. Transfer of Patients

Acts of 1903, 217, 27.

The medical superintendent of any asylum for the insane must apply to his board of trustees for authority to transfer any insane person or person under treatment in the asylum,

and supported by the state, who exhibits dangerous or homicidal tendencies, to the asylum for the dangerous insane.

6. Parole and Discharge of Patients

The superintendent of a hospital may grant a parole to a private patient for not more than thirty days under conditions prescribed by the board of trustees. Acts of 1903, 217, 32.

Medical superintendents may discharge patients who have recovered as well as those who are not detrimental to public welfare. When a superintendent is unwilling to discharge an unrecovered patient upon request, the probate court of the county from which the patient was admitted into the asylum may, after a hearing has been accorded the superintendent, direct the discharge of the patient, upon such security as the court may require. A patient who has been discharged by the medical superintendent may, with his approval, be readmitted to the asylum under the original order of admission at any time within six months after the date of the discharge, but thereafter only upon a new adjudication of insanity and order for admission.

No patient may be discharged without suitable clothing, and money not exceeding $25 for his necessary expenses until he can reach his relations or friends, or his employment to earn a subsistence. Acts of 1903, 217, 33.

When any person adjudged insane is discharged from custody and not again received into any asylum, home, or retreat, petition may be presented to the court for an order declaring him restored to soundness of mind. The court must fix a time for hearing the case. The testimony of at least two reputable physicians, establishing the sanity of such person, is required. Acts of 1903, 217, 34.

7. Cost of Maintenance

If a bond for the support of an insane person is executed by at least two persons approved by the probate court, together with the required advance payment toward his support, his admission must be ordered as a private patient, otherwise as a public patient. The county in which the proceeding is had is liable to the state for the support of the patient until the bond and advance payment are delivered to the medical super- Acts of 1903, 217, 16.

intendent. In case the admission of the insane person is ordered as a public patient, then the county of which he is a resident is liable to the state for the support of such patient for one year. At the request of the medical superintendent, the court must require the persons executing the bond to justify their responsibility anew or order that a new bond be given, and unless this be done, the insane person is to be
217, 19. regarded as a public patient. If a public patient has an estate out of which the state may be reimbursed for his maintenance, the court must direct such payment out of his estate for the cost of his maintenance at the asylum as it deems just.
217, 16. The court on making an order of commitment may appoint a temporary guardian for an insane person until a guardian both of his person and estate can be regularly appointed.

8. Criminal Insane

When a person accused of crime has escaped indictment, or has been acquitted upon trial, upon the grounds of insanity, the court must inquire whether his insanity in any degree continues, and, if it does, must order him to be sent to the state asylum for the dangerous insane. All persons who are adjudged insane, and previously have been convicted of crime, or at the time of such adjudication are in confinement on a criminal charge, must be admitted to this asylum. If any such person has been admitted to any of the other asylums, the medical superintendent thereof may have him removed to the above asylum.

Acts of 1903, 217, 37. All persons who are adjudged insane, and who before such adjudication have been convicted of crime or are confined in the state asylum at Ionia as patients, or who at the time of such adjudication are confined on a criminal charge, must be admitted to the state asylum. If any such person is admitted to any of the other asylums, the medical superintendent may cause him to be removed to the state asylum where he shall be received and admitted as a patient.

MINNESOTA

Authorities:

Revised Laws of Minnesota, 1905

Supplement, Revised Laws of Minnesota, 1909

1. Administration and Supervision

a. General. The state board of control is composed of three members, appointed by the governor, for terms of six years. Each member of the board receives a salary of $3,500 per annum and must devote all his time to the duties of the board. Revised Laws, 1905. 1858.

The board of control has exclusive management of the hospitals and asylums for the insane, including full authority in all financial matters. The board may appoint a purchasing agent for each institution, and must appoint a chief executive officer for each, subject to removal for misconduct or incompetency. The board determines the compensation of all officers and employees, except when it is fixed by law, and prescribes regulations in regard to the duties of the employees under its control and methods of accounting and keeping records. Each hospital and asylum for the insane must be visited by a member of the board once in each month. The board may appoint a competent woman to visit and report upon such institutions. The board must prepare for the use of the legislature biennial estimates for appropriations necessary for the support of the hospitals and asylums and for extraordinary expenditures for buildings and other improvements. It must keep records showing the residence, sex, age and other facts in regard to each patient in each of the institutions under its control, together with full information about their condition upon discharge and other similar information. The board may transfer any inmate from one hospital or asylum to another. 1861. 1864. 1865. 1871. 1873. 1878. 1883. 1889. 1890.

The board must gather and disseminate information about the best methods of caring for the insane, encourage scientific investigation in the hospitals and publish the results. The board is required to make a biennial report to the governor in detail. 1874. 1875.

b. Institutional, administrative and supervisory agencies. The superintendent of each hospital or asylum has authority to appoint and discharge all assistants and other employees 1866.

1926. required for the management, subject to the consent of the board of control. Each superintendent is required to make an annual report in prescribed form to the board of control.

2. Provisions for the Care of the Insane

a. In institutions—State. The state maintains three general hospitals and two asylums for the insane. One of the hospitals has a separate department for the criminal insane. There is also a department for insane criminals in the state prison. In connection with each of the three hospitals there is a detention hospital to which patients are sent for examination before final commitment or for voluntary treatment.

Local. Practically no insane are maintained at the county poorhouses.

Boarding out insane patients. 1921. *b. In families.* Whenever the superintendent of a hospital reports to the board of control that any insane person under his charge is incurable or not likely to be further benefited by treatment, that he may be safely cared for in a private family, and that his own family is not able to support him, the board may authorize the superintendent to place him in a suitable private family, at an expense not exceeding $3 per week. The superintendent, or some one delegated by him, must visit such patient once in three months, and may at any time direct his return to the institution.

3. Commitment

1898. *a. Classes committed.* All insane persons who have a settlement in a county, town, city or village, must be admitted to an institution for the insane, except that the board of control may authorize admission when the residence is not ascertained or when circumstances make admission advisable. When application is made to a judge of probate for the admission to any hospital or asylum, and he finds that the person by whom the application is made has no residence or that his residence can not be ascertained, he must report to the board and may recommend that the person be admitted notwithstanding. If the board finds that the person has a legal residence in another state, it may have him returned to it.

Supplement, 3856-1. *b. Legal procedure in commitment.* Whenever the probate judge or in his absence the court commissioner of any county

receives duly verified information that there is an insane person in his county needing care and treatment, he must order the person to be brought before him for examination, and appoint two examiners in lunacy who with a judge or court commissioner constitute a jury to examine the insane person. The county attorney must be notified of the examination and appear on his behalf to take such action as may be necessary to protect his rights. Upon the request of the county attorney, the judge or court commissioner must issue subpoenas for the attendance of witnesses for the alleged insane person. If the examiners find the person to be insane and a fit subject for hospital treatment, they must certify to the fact within twenty-four hours after the examination, whereupon the judge or court commissioners must issue a duplicate warrant committing the person to the superintendent of the proper state hospital, or to the superintendent of any private licensed institution for the care of the insane. If the jury finds the person to be sane or disagrees, it must certify to the fact, and the person must thereupon be discharged. In any county having a population of 150,000 inhabitants, the judge of probate of such county may refer the examinations of alleged insane persons to the court commissioner of the county for action with the examiners in lunacy appointed by the judge of probate. When the alleged insane person is found to have a legal residence in some other county, he may nevertheless be examined and committed to a state hospital if found insane.

Revised Laws, 1905, 3868.

The board of examiners may, when the question of his insanity is doubtful, commit an alleged insane person to a place of detention, but not for more than six weeks. When they determine that he is cured, he must be discharged; but if he has not improved and they deem him a fit subject for a state institution, he must be conveyed to a state hospital.

The above provisions, while still in force, are practically superseded by the law in regard to commitment to detention hospitals.

Commitments to detention hospitals. Supplement, 1916.

Each person found to be insane, except the criminal insane, must be committed to the proper detention hospital, to be kept and treated until the superintendent determines and certifies

either that he is not insane or that he is a fit subject for a state hospital for the insane. If he is found to be sane, he must be discharged, as provided by law in other cases. If, after a reasonable time, the superintendent deems him a fit subject for a state hospital or asylum, and so certifies to the state board of control, it must transfer him to a hospital or asylum.

Supplement, 1916-3.

Any husband, wife, parent, son, daughter or guardian, believing their wife, husband, father, son, daughter, mother, brother, sister or ward, to be afflicted with mental disease for which such person should be treated at a detention hospital, may apply to the judge of probate of the county in which the patient is a resident for the appointment of a board of three physicians, one of whom must be a female physician, if there be such. The judge of probate of the county must immediately appoint such board to determine whether the patient is in need of treatment at a detention hospital; and if a majority of the board so determines, the patient may be placed in the detention hospital by the relative who must sign the necessary application therefor, in the same manner and under the same restrictions and provisions as for detention in the hospitals for the insane.

1916-4.

When information is filed with any judge of probate that a resident of his county is in need of treatment at a detention hospital, he must make proper investigation, and, if it substantiates the information filed, at once appoint a board to determine whether the proposed patient is in need of the treatment, and if he so determines, the patient must be placed in a detention hospital under the same restrictions that govern voluntary commitments.

Voluntary commitments, Supplement, 1916-2.

Any person believing himself to be afflicted with mental disease and desiring to receive treatment at a detention hospital may voluntarily place himself therein. Before being admitted, he must make and sign a written application as provided by the board of control. When an application has been signed in presence of two witnesses, not officers or employees of the detention hospital and delivered to the superintendent, the applicant may be received into the hospital for treatment. The superintendent is authorized to continue the detention of such

a patient when in his judgment the condition of the patient requires it. Should the patient demand his release from the detention hospital and it is deemed unsafe, the superintendent must within three days call in the state hospital commission to take charge of the case and determine whether the patient is insane. If adjudged insane, he must be committed to the hospital. If found to be sane, he must be required to leave the hospital.

At each city or village where a state hospital for the insane is located, a state hospital commission, composed of three reputable persons, at least one of whom is a duly qualified physician, must be appointed by the judge or judges of the district court of the county in which the detention hospital is situated, to hold office for two years. The commission has power to examine alleged insane persons and determine whether they are insane. The state hospital commission must meet at the detention hospital as often as may be requested by the superintendent thereof, but not oftener than twice each month, except in cases requiring immediate action. State Hospital Commission. Supplement, 1916-6. Supplement, 1916-7.

c. Appeal from commitment. Every person restrained of his liberty may prosecute a writ of habeas corpus. Application for such writ must be by petition to the supreme court, or to the district court of the county within which the petitioner is detained. Statutes, 1905, 4373. 4574.

d. Cost of commitment. The expenses of the examination and commitment of an insane person are chargeable to the county of which he is a legal resident. Supplement, 3856-1.

4. Conveying Patients to the Hospital

It is the duty of the sheriff of the county to convey an insane patient to the hospital, or the committing authority may appoint some other suitable person to do it. Supplement, 3856-1.

A female patient must be accompanied while being conveyed to the hospital by her husband or a near relative, or by a woman designated by the judge or court commissioner. Supplement, 2860.

5. Transfer of Patients

The board of control may transfer patients from one hospital or asylum for the insane to another or to and from the school for feeble-minded. Statutes, 1905, 1890.

6. Parole and Discharge of Patients

Statutes, 1905, 1922. Whenever he deems it advisable, the superintendent may allow a patient to be absent on parole for a period not exceeding six months. The order of commitment remains in force until he is legally discharged, and he may be recalled at any time. The state board of control must so far as possible exercise supervision over paroled patients and may for that purpose appoint one or more state agents. It may also appoint suitable persons in any part of the state for the same purpose. No one may be appointed as such agent who has not had at least a year's experience in caring for patients at a hospital for the insane.

Supplement, 1878-1.

1878-2.

Statutes, 1905, 1923. The superintendent may discharge any patient certified by him to be recovered, except those charged with or convicted of some criminal offense. In all other cases, patients must be discharged by the board of control. When discharged, a patient must be provided with sufficient money to defray his expenses to his destination.

Discharge of patients from detention hospitals. Supplement, 1916-5. When in the judgment of the superintendent of the detention hospital any patient, either voluntary or otherwise, has recovered, he must be required to leave the institution. If the superintendent is of the opinion that the patient is insane and that longer treatment in the detention hospital will be of no benefit, he must report the case to the state hospital commission. If adjudged insane by this commission, the patient must be committed as provided; if adjudged sane, he must be required to leave the institution.

7. Cost of Maintenance

The state assumes the entire expense for the care of the insane in the hospitals and asylums.

8. Criminal Insane

Supplement, 1926-2. Whenever any person confined in the state prison or any other penal institution is alleged to be insane, the warden must notify the state board of control, which must have the prisoner examined by the probate court of the county where he is confined. In case he is found insane, he must be transferred by the order of the court to the state asylum for the dangerous insane. If, in the judgment of the superintendent, his sanity

is restored before the period of his commitment to the penal institution has expired, he must be removed by the state board of control to the institution whence he came, and there complete the period of his sentence. When any person under indictment or information before or during trial is found to be insane, an idiot, or an imbecile, and to have homicidal tendencies, the court in which the indictment or information is filed must commit him to the asylum for the dangerous insane there to be kept and treated until he recovers, when he must be returned to the court from which he was received. 1926-6.

MISSISSIPPI

Authority:

Code of Mississippi, 1906

1. Administration and Supervision

a. General. Mississippi is without a state board having supervision or control of charitable institutions.

b. Institutional, administrative and supervisory agencies. The state hospitals for the insane are under the control and management of a board of trustees of five members, of whom at least three must be physicians, appointed by the governor for terms of two years. The governor is ex-officio president of the board.

Powers and duties of the trustees. 3212.

The board must visit each hospital twice each year, and the governor, or the chairman of the board, or a majority of the board, may order a visitation at any time, but without making their coming known to the authorities of the hospital in advance. At each visitation the trustees must examine the hospital register showing the diagnosis of the case of each patient made by the superintendent, if the patient was admitted to the hospital since the last visitation. They must examine the journal of the daily treatment of each patient kept by the head nurse of each ward, and examine each patient. They must inquire into the competency and efficiency of all appointees and employees and make full report in writing to the governor, with recommendations which they consider will improve the management and the condition of the patients. They may order the dismissal of an employee without further inquiry, but in the case of an appointee must give him a hearing before dismissal.

3196.

The superintendent of the hospital, who must be a skilled physician, is appointed by the governor for a term of four years. The governor may remove him for proper cause.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane, both of which are required by the statutes to provide special wards for the colored insane.

Local. The board of supervisors of each county are responsible for the maintenance of the indigent insane who

can not be received into the state hospitals or who are harmless incurables and may provide for them in the poorhouses which are under their control. The supervisors must also furnish temporary care of insane persons pending an inquest.

3. COMMITMENT

a. Classes committed. All insane persons, who are *bona fide* residents of the state and have not been brought into the state as insane within five years and the latter in special cases by the consent of the governor, must be admitted to the state hospitals free of charge. Mere idiots, fools, and non-curables, who are not dangerous, are excluded from the hospitals. 3216.

b. Legal procedure in commitment. The chancery courts have jurisdiction of writs of lunacy, to be exercised by the clerks at any time, subject to the approval of the court. Any relative of a lunatic or insane person may have him so adjudged; but if his relations and friends neglect or refuse to place him in an insane hospital, and permit him to go at large, the clerk of the chancery court must, on the application in writing and under oath of any citizen, direct the sheriff by a writ of lunacy to summon the alleged insane person to contest the application, and six freeholders to sit at the hearing. The result of the inquisition must be returned to the clerk. The jury must be charged by him to make due inquest (the particulars being prescribed by law). If the person is adjudged a lunatic or insane by the jury, or a majority of its members, and the jury finds that he should be confined, the clerk must direct the sheriff to arrest him and place him in one of the insane hospitals if there is a vacancy, and, if not, to confine him in the county jail pending such vacancy. 3219. 3220.

Admission of persons not adjudged insane. 3227.

On application for admission to an insane hospital made on behalf of an insane person who is a resident of this state, the superintendent and trustees may admit him to the same, although he had never been adjudged insane, and, if the person be in fact insane, they have authority to detain him. Before his admission, the person making the application must present to the superintendent a sworn certificate from two licensed, practicing physicians, and one respectable citizen who is personally acquainted with the alleged insane person, all of whom must be residents of the same county in which he resides.

Upon receipt of such application and certificate, the superintendent must forward to the physicians blank forms to be filled out giving the history of the patient, form of insanity,
3228. and such other information as may be required. The superintendent must obtain all the available facts relative to the lunacy of each patient admitted on an adjudication of insanity; and the board of trustees must prescribe suitable regulations in regard thereto.

2445. *c. Appeal from commitment.* The writ of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty, or by which the rightful custody of any person is withheld from the person entitled thereto, except in cases expressly excepted.

3222. *d. Cost of commitment.* The costs of an inquest and the removal to and from the hospital are to be paid by the estate of the insane person, and if he have none, by the persons required by the pauper laws to support him. The county of the legal settlement of an insane person is liable for all the expenses incurred and paid by another county.

4. Conveying Patients to the Hospital

It is the duty of the sheriff to place persons adjudged insane in one of the hospitals if there is a vacancy; if not, to confine him in the county jail until there is room.

5. Transfer of Patients

6. Parole and Discharge of Patients

3230. A patient who is found to be incurable but harmless, and who can properly be cared for outside of the hospital, and a patient who has recovered, must be discharged. When a patient is restored to reason, the superintendent of the hospital may furnish him transportation to his home and make requisition on the board of supervisors of his county for the costs.
3226. The superintendent must discharge a person found to be sane, although judged insane and confined in the hospital, and give him a certificate of sanity, a duplicate of which must be sent to the sheriff of the county.

7. Cost of Maintenance

The expense of maintaining indigent insane in hospitals is borne by the state. But if an insane person has an estate more

than sufficient for the support of his dependents, his guardian must pay the patient's board in advance for six months and deposit enough money to provide him with clothing. For pay patients the cost is $250 a year in advance. The person securing the admission of a pay patient must furnish a bond of $15,000 conditioned to make such payments annually for five years unless the person dies or is removed.

8. Criminal Insane

When a person indicted for an offense is acquitted on the ground of insanity, the jury rendering the verdict must so state, and also whether the accused has since been restored to his reason, and whether he be dangerous to the community; and if the jury certify that he is still insane and dangerous, the judge must order him to be confined in one of the state hospitals for the insane. 1540.

MISSOURI

Authorities:

Revised Statutes of Missouri, 1909
Laws of Missouri, 1911

1. Administration and Supervision

1316. *a. General.* The state board of charities and corrections consists of six persons, two of whom must be women, and of the remaining four not more than two may belong to the same political party, appointed by the governor, who is ex-officio member of the board, for terms of six years. The governor may remove members of the board for cause.

1314. The board has power to investigate the whole system of charities and correction and must examine the condition and management of all state, county and municipal charitable and penal institutions. Officers of the various institutions must furnish the board such information as it demands. The board must make a full report biennally to the governor.

b. Institutional, administrative and supervisory agencies.

1367. The state hospitals are under the management of boards of trustees of five members each, appointed by the governor for

1373. terms of four years. The trustees have the care and control of all the property of the institution and general responsibility

1386. of its management. They appoint the superintendent, assistant physicians, treasurer, steward, and may remove any officer except the superintendent at pleasure, and may remove the

1387. superintendent for incompetency or any misconduct. They prescribe the duties of the different officers and fix the term thereof.

1391. The superintendents of the several state hospitals must be physicians of acknowledged skill in their profession and have experience in the management and treatment of the insane, and may not engage in outside practice. They employ and may discharge for cause nurses, attendants and other persons necessary.

The St. Louis city sanitarium for the insane is under municipal control and management.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains four general hospitals for the insane.

Local. The city of St. Louis provides for the care of its insane in a so-called sanitarium, while a few mildly insane patients are cared for at the St. Louis City Infirmary. The Marion county hospital and the St. Charles county asylum receive insane patients

Insane persons who can not be cared for in the state hospitals may be received in the county almshouses which are under the management of the county courts.

3. Commitment

a. Classes committed. Persons afflicted with any form of insanity must be admitted to the state hospitals for the insane. A pay patient, or one not sent to a hospital by order of the court, may be admitted on request to the superintendent in a prescribed form made by the person by whose direction he is sent, stating his age and place of nativity, if known, place of residence, occupation and degree of relationship to the person requesting his admission. Accompanying the request must be a sworn certificate of insanity in prescribed form, dated within two months, by two physicians. Before a private patient is admitted, thirty days' charges must be paid in advance and a bond with securities to insure payment of further charges must be given. 1406.

b. Legal procedure in commitment. When a citizen residing in the proper county files with the clerk of the county court a statement, in writing and in prescribed form, alleging that a person is insane and in need of hospital treatment, the clerk must issue subpoenas for the persons named as witnesses, and such other persons as he may think proper, to appear before the county court at a specified time, which must be the first day of the first session of the court thereafter. The county clerk must convene the county court forthwith for the purpose of passing upon the sanity or insanity of the poor person apprehended. At the hearing the court must have the witnesses examined before themselves, or a jury, if one be ordered for the purpose. At least one of the witnesses examined must be a respectable physician. 1418. 1419. 1420. 1421.

1422. If the court, or the jury, is satisfied of the truth of the facts of the statement, it must enter an order to the effect that the person found insane is a fit subject to be sent to the state hospital, and require the medical witness to make out a detailed history of the case in the prescribed form. The clerk of the court must send a certified copy of the order of court to the superintendent of the hospital, accompanied by a request for the admission to the hospital of the person found to be insane.

1424. The superintendent must immediately advise the clerk whether the patient can be received, and at what time.

1413. Indigent patients must always be given preference over pay patients.

If there are not sufficient accommodations, cases of less than one year's standing have preference over those of longer standing; but no county may have more than its just proportion according to its insane population.

2441. *c. Appeal from commitment.* Any person restrained of his liberty may prosecute a writ of habeas corpus to inquire into the cause of his confinement or restraint; and any court empowered to grant the writ must do so without delay.

d. Cost of commitment. The cost of examining patients and removing them to a hospital is a charge upon the treasury of the county of their residence.

4. Conveying Patients to the Hospital

The sheriff of the county, or any other suitable person, must be directed by the clerk of the county court to convey

1425. the insane person to the hospital. The relatives of the insane

1412. person have the right, if they choose, to convey him. Before sending patients to the hospital the county court must see to it that they are free from contagious disease, properly cared for and clothed.

5. Transfer of Patients

6. Parole and Discharge of Patients

1405. The superintendent may parole a patient whenever he deems

1404. it best for the patient. The superintendent may discharge any patient who, in his opinion, has been fully restored to reason.

7. Cost of Maintenance

The counties sending insane poor to the hospitals must pay semi-annually in cash and in advance for their support and maintenance, and, in addition, the actual cost of their clothing, and if they die, the cost of burial expenses. Moneys paid and unexpended are refunded the counties. 1411 as amended by Laws of 1911.

If the county court so orders, the clerk must transmit to the superintendent a certificate stating that any patient in the hospital has not estate sufficient to support him there. Whereupon, the person becomes a county patient, to be supported by his county. When pay patients become county patients. 1428.

If the county court so orders, the clerk must transmit to the superintendent a certificate stating that any patient in the hospital from his county, has sufficient estate to support him at the hospital. Thereupon the patient becomes a pay patient, and the charges must be made out and paid, and a bond required and executed as in all other cases of pay patients; and upon a failure thereof, after reasonable delay, the superintendent must discharge such patient. When county patient becomes pay patient. 1429.

If any insane person admitted to a state hospital as a patient has estate, the guardian must pay for his support and expenses out of the estate. If the insane person at any time comes under the class of "insane poor persons" he must be supported and maintained by his county. 528.

8. Criminal Insane

When a person indicted for any crime after his indictment and before his trial becomes insane, the court must order a jury to try and decide the question of his insanity. The alleged insane person must be notified of such proceedings, unless the court order such person to be brought before it. 5207.

If the jury becomes satisfied that the person has become insane, they shall so declare in their verdict, and the court must order him to be conveyed to the lunatic asylum and there kept until restored to reason. 5208.

When a person, tried upon indictment for any crime or misdemeanor, is acquitted on the sole ground that he was insane at the time of the commission of the offense, the fact must be found by the jury in their verdict, and the jury must further find whether or not he has entirely recovered from 1430.

1431. his insanity, in which case he shall be discharged from custody. In case the jury finds that the prisoner has not entirely recovered and is not a poor person, and the court is satisfied that it would be unsafe to permit him to go at large, the court must commit him to the hospital, the costs of commitment and all expenses for the support and maintenance of such prisoner to be paid out of the proceeds of his estate.

1432. If the prisoner is a poor person, the court must remand him to the custody of the sheriff or other officer of the court, at the expense of the proper county, until the county court causes him to be removed to the hospital, as in the cases of insane poor persons, but without examination into his insanity.

MONTANA

Authority:

Revised Codes of Montana, 1907

1. Administration and Supervision

a. General. The state board of commissioners for the insane, consisting of the governor, the secretary of state and the attorney general, is charged with general responsibility for the care of the insane in so far as it has authority to send insane persons to friends outside of the state at public expense or to the institution of another state, provided he is indigent, instead of to the state insane asylum. 1112. 1121. 1122.

b. Institutional, administrative and supervisory agencies. The state asylum for the insane is conducted under a contract system and has been continuously under the same contractors for about thirty years.

Powers and duties of board of commissioners. 1112. 1113.

The board of commissioners for the insane must provide by contract for the care, custody, maintenance and treatment of the insane at the state asylum; inquire into the condition of the asylum and see that the patients are properly cared for, and make a report biennially to the legislative assembly in regard to the receipts and expenditures, the condition of the asylum, the number of patients under treatment, etc.

Contracts for care of the insane. 1114. 1115. 1117.

The board is authorized to let the contract for the care and maintenance of the indigent insane to the lowest responsible bidder and may reject any and all bids. The contract must not be continued beyond a period of two years. The contractor must furnish all necessary attendants and assistants required by the medical and all other departments of the asylum, well ventilated, properly warmed and suitable rooms or apartments, wholesome food and comfortable clothing for the patients, and the necessary medicine and medical attendance.

Contractor to give bond and make report. 1119. 1120.

The contractor must give a bond in such a sum as may be approved by the board for the faithful performance of his obligations, and must make a quarterly report to the board of the number of patients treated, cared for and discharged from the asylum during the quarter.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital (asylum) for the insane, to which also the criminal insane are committed.

Local. Harmless indigent insane and persons who can not be received at the state asylum may be provided for at the poor farms which are under the boards of county commissioners or they may be cared for elsewhere under contract.

3. Commitment

1123. *a. Classes committed.* All residents of the state, not idiots, are entitled to admission to the state asylum and only the non-residents who have become insane while within the state.

1134. *b. Legal procedure in commitment.* Whenever it appears to the satisfaction of the magistrate of the county that any person within the county is so far disordered in his mind as to endanger health, person or property, he must have the person arrested and taken before any district judge in the county for examination, or, in his absence, before the chair-
1135. man of the board of county commissioners. The judge or chairman of the board must issue subpoenas to two or more witnesses best acquainted with the insane person and at least
1136. two graduates of medicine, to attend and testify at the examination.

Certificate of physicians.
1139. If the physicians believe the person to be dangerously insane, they must make a certificate to this effect, describe the symptoms, etc., and give other facts, in a form prescribed
1141. by the board of commissioners for the insane. If the judge, or the chairman of the board of county commissioners, after such examination and certificate are made, believes the person to be dangerously insane, he must order him to be confined in the insane asylum, and a copy of such order must be filed with and recorded by the clerk of the district court of the county.

Proceedings before commissioner, to be reviewed by district judge.
1146. When an insane person is examined and committed by hearing before the chairman of the board of county commissioners, the latter must reduce all the evidence to writing, and the same, together with all orders, subpoenas, complaints, warrants and papers in the case, must be filed in the office of the clerk of the district court of the proper county. In

all cases of hearings by the chairman of the board of county commissioners, the proceedings must be examined and certified, and approved or rejected by the judge of the district court.

c. Appeal from commitment. Every person restrained of his liberty may prosecute a writ of habeas corpus and upon petition the circuit or district court must grant it. 9630. 9632.

d. Cost of commitment. The costs of the examination, committal and taking an insane person to the asylum must be paid by the county in which he resides at the time he is adjudged insane. The sheriff is allowed the actual expense incurred in taking an insane person to the asylum. 1145.

4. Conveying Patients to the Hospital

The insane person, together with the order of the judge or chairman of the board of county commissioners, and the certificate of the physicians must be delivered to the sheriff of the county and by him to the officer in charge of the insane asylum. 1142.

5. Transfer of Patients

6. Parole and Discharge of Patients

Upon the written report of any person appointed by the board of commissioners of the insane to examine into the condition of a patient, that he is in fit condition to be at large, the board must cause him to be discharged from the asylum. Every insane person on recovery, must be discharged from the asylum or place of confinement. Indigent patients when discharged must be provided with $20 in money and comfortable clothing. 1124.

7. Cost of Maintenance

When a person is adjudged to be insane and ordered confined in the insane asylum, the judge or person before whom the hearing is must take evidence as to the financial worth of the insane person. If he has any means out of which the expenses of his maintenance in the insane asylum, or any part thereof, can be paid, the judge or person before whom the hearing is had must cite the persons in possession of his property, and his relatives, if there are any in the county 1147.

of his residence, to appear and show cause why a guardian should not be appointed for him and ordered to pay the costs of his maintenance, or as much of it as his means will permit. If the insane person has property that can be applied towards his maintenance, the court must make an order to that effect, stating how much of it shall be applied.

Indigent insane are maintained at the hospital at the cost of the state.

1133. The care and maintenance of non-indigent insane must be paid or guaranteed by their parents, children or guardians.

8. Criminal Insane

1131. Insane convicts must be received into the asylum and returned to the state prison upon recovery if sentence has not expired.

9521. If a doubt arises as to the sanity of the defendant in a criminal action, the court must order the question as to his

9523. sanity submitted to a jury. If the jury finds the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he in the meantime be committed by the sheriff to the state insane asylum, and that upon his becoming sane, he be re-delivered to the sheriff.

Expense of sending, etc., defendant to asylum. 9526. The expenses of sending the defendant to the asylum, keeping him there, and of bringing him back, are chargeable upon the county in which the indictment was found, or the information filed; but the county may recover from the estate of the defendant, or from a relative of the town, city or county bound to provide for and maintain him elsewhere.

NEBRASKA

Authorities:

Colbey's Annotated Statutes of Nebraska, 1909
Statutes of Nebraska, 1911

1. Administration and Supervision

a. General. The state board of charities and corrections is composed of the governor, the superintendent of public instruction and the commissioner of public lands and buildings. The board has the duty to inquire into the whole system of public charities in the state and counties and to ascertain the condition of all institutions. The governor may at any time in his discretion order a special investigation to be made by the state board or by a committee of its members, or advisory secretaries, into the management of a state hospital or county institution in the state. A report of such investigation must be submitted by the governor to the legislature. The board must make a full report of its proceedings biennially to the governor. Code of 1911.

b. Institutional, administrative and supervisory agencies. The Nebraska Hospital for the Insane at Lincoln is under a board of trustees of three members, appointed by the governor for terms of six years. The other two hospitals are under the charge of the board of public lands and buildings, consisting of the commissioner of public lands and buildings, the secretary of state, the treasurer and attorney general. Statutes of 1909. 10049. 10050.

The trustees and the board of public lands and buildings have general control and management of their respective hospitals with authority to make all necessary by-laws for their government, including regulations in regard to the classes of patients to be admitted, the transfer of patients, etc. The board of trustees of the Nebraska Hospital, upon the nomination of the superintendent, appoints a steward and matron, but for this hospital as well as for the other two the governor appoints the superintendent and assistant physicians. One assistant physician in each hospital must be a woman. Both the superintendents and assistant physicians are appointed for terms of six years. The superintendent must be a physician of acknowledged ability and a graduate of a regular medical college. Powers and duties of trustees and board of public lands and buildings. 10053.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three general hospitals for the insane.

Local. Each county having a county poorhouse may provide in it for such of its indigent insane, especially the harmless incurable, as can not be received into the state hospitals. The poorhouses are under the management of the county commissioners, but the care of the insane devolves upon the county commissioners of insanity.

3. Commitment

a. Classes committed. Insane persons, except idiots, whether they have a legal residence in the state or not are admitted to the hospitals. Dipsomaniacs, inebriates and persons addicted to drugs are admitted to and treated in the Nebraska Hospital for the Insane at Lincoln.

10065. *b. County commission of insanity.* In each organized county of the state there must be three commissioners in insanity, and the clerk of the district court is one of them, ex-officio. The other members are appointed for terms of two years by the judge of the district court, and one must be a respectable practicing physician and the other a respectable practicing lawyer. In the temporary absence or inability to act of two of the commissioners, the judge of the district court, if present, may act in the place of one of such commissioners, or the commissioner present may call to his aid a respectable
10067. practicing physician or lawyer. The clerk of the board must issue all notices of the appointments, warrants, subpoenas, etc. He must keep separate books of the proceedings of the board,
10068. to constitute, with the papers filed, a complete record of their findings, orders and transactions. The commissioners have cognizance of all applications for admission to the hospital or for the safe-keeping of insane persons within their respective counties, except in cases otherwise provided for. They have power to issue subpoenas, administer oaths, and do any act of court necessary in the premises.

10069. *c. Legal procedure in commitment.* Application for admission to a hospital must be made to the county commission of insanity in writing, verified by affidavit, alleging that the person applied for is believed to be insane and a fit subject for

custody and treatment in a hospital, that he is found in the county and has a legal settlement therein, or, if not, where it is or believed to be. The commissioners must at once take steps to investigate the grounds of the information. They may require the alleged insane person to be brought before them, and the examination had in his presence, providing for his custody until their investigation is concluded. They may dispense with his presence if it would probably be injurious to him or attended with no advantages. They must hear testimony for and against the application.

Any citizen of the county or any relative of the person may resist the application, and employ counsel if they choose. The commissioners must in all cases appoint some regular practicing physician of the county to make a personal examination of the person alleged to be insane. The physician may or may not be of their own number, and the one appointed must certify whether he finds the person in question insane or not. He must endeavor to obtain from the relatives of the person in question, or from others who know the facts, correct answers so far as may be to the interrogatories prescribed by law, which with the answers to them must be attached to his certificate. The commissioners thereupon must find whether the person is insane, and whether if insane, a fit subject for treatment and custody in the hospital and where his legal settlement is. If they find him insane and a fit subject for custody and treatment in the hospital, they must issue their warrant authorizing the superintendent of the hospital to receive him as a patient. 10071.

Commitment of dipsomaniacs, inebriates and persons addicted to drugs is effected in the same manner as the commitment of insane persons. 10112. 10115.

If a patient can not at once be admitted for want of room or for any other cause, and can not with safety be allowed to go at liberty, the commissioners must provide suitably for him, until admission can be had or the occasion for it no longer exists. Such patients may be cared for either as public or as private patients, those being treated as private patients whose relations or friends will obligate themselves to provide for them without public charge, in which case the commissioners Provisions for patients who can not be admitted. 10078.

must appoint some suitable person as special custodian, with authority to restrain, protect and care for such patient. In the case of public patients, the commissioners must require that they be properly cared for by the commissioners of the county or overseers of the poor at the expense of the county. If there is no poorhouse, or no more suitable place, they may be confined in the jail of the county in charge of the sheriff.

Care of insane persons out of hospitals. 10079.

On application to the commissioners on behalf of persons alleged to be insane and whose admission to the hospital is not sought, the commissioners may provide for them as in the case of other applications.

Insane persons without proper care. 10080.

If the commissioners of any county are informed that any insane person is suffering for want of proper care, they must make all needful provisions for him as provided in other cases.

Transfer of insane under care of commissioners to hospitals. 10083.

Insane persons who have been under care, either as private or public patients, outside of a hospital, by authority of the commissioners of any county may on application be transferred to a hospital on the warant of the commissioners. The admission may be had without another inquest, at any time within six months after the inquest already had.

Order of admittance of patients. 10085.

If it becomes necessary for want of room or other cause to discriminate in the reception of patients, a selection must be made as follows: 1, recent cases (cases of less than one year's duration); 2, chronic cases (of more than one year's duration presenting the most favorable prospects of recovery), 3, those for whom application has been longest on file, other things being equal; and 4, when cases are equally meritorious in all other respects, the indigent insane have preference.

Investigation of persons confined and alleged not insane. 10086.

d. Appeal from commitment. On a sworn statement to a judge of the district court of the county in which a hospital is situated, or of the county in which any certain person confined in a hospital has his legal settlement, alleging that such person is not insane, the judge must appoint a commission of inquiry of not more than three persons, one of whom to be a physician, and if two or more are appointed, one to be a lawyer. Their report must be accompanied by a statement of the case by the superintendent. If the judge finds the person not insane, he must order his discharge; if not, he must authorize his continued detention. The commissioners are entitled

to their necessary expenses and a reasonable compensation, to be paid by the applicant if the application was made without probable grounds. A commission may not be repeated oftener than once in six months in regard to the same person, nor may such a commission be appointed in the case of any patient within six months of the time of his admission.

10088. All persons confined as insane are entitled to the writ of habeas corpus, and the question must be decided at a hearing; an adverse decision does not bar the issuing of the writ a second time or whenever it is alleged that the person has been restored to reason.

e. Cost of commitment. The expenses connected with the commitment and transportation of a patient to the hospital are to be paid by the county in which he has a legal settlement. If he has no settlement they are borne by the state.

4. Conveying Patients to the Hospital

The sheriff must convey the insane person to the hospital; or, in his absence, the commissioners of insanity may appoint some other suitable person. No female may be taken to the hospital without the attendance of some other female or some relative of such person. The superintendent in his acknowledgment of delivery must state whether there was any such person in attendance. If any relative or immediate friend of the patient who is suitable request it, he has the privilege of executing the warrant in preference to the sheriff or any other person.

5. Transfer of Patients

6. Parole and Discharge of Patients

10090. Any patient who is cured must imediately be discharged by the superintendent and furnished with suitable clothing and a necessary sum of money. The relatives of any patient not susceptible of cure and harmless have the right to remove him on the consent of the board of trustees.

10091. On the application of the relations or immediate friends of any patient, except one under charge or conviction of homicide, who is not cured, and who can not safely be allowed at liberty, the commissioners of insanity of the county where he belongs, on making provisions for his care within the county, may

10092. authorize his discharge. Incurable and harmless patients must be discharged or removed whenever it is necessary to make
10097. room for recent cases. When it is shown to the satisfaction of the commissioners of insanity of any county that cause no longer exists for the care within the county of any particular person as an insane patient, they must order his immediate discharge.

10116. Dipsomaniacs, inebriates and persons addicted to drugs may be paroled by the superintendent of the hospital upon signing a pledge to abstain from drinking, the use of drugs, etc. During the term of parole they must report monthly to the superintendent. For violation of parole, such persons may be returned to the hospital on the written order of the superintendent.

7. Cost of Maintenance

10096. The cost of board, care and treatment of patients while in the hospitals of the state is borne by the state. The commissioners of the several counties are authorized, however, to collect from the property of such patients, or from any person or persons legally bound for their support, any sum paid by the county in their behalf.

Pay patients. 10077. The relatives or friends of any patient in a hospital for the insane have the privilege of paying any portion or all of his expenses.

8. Criminal Insane

The physician of the state penitentiary, the superintendent of one of the hospitals for the insane and a secretary of the state board of health constitute the penitentiary medical board.
10108. When the physician of the penitentiary believes that a convict is insane, he must so certify to the governor, who shall immediately cause an examination to be made by the penitentiary medical board, and upon its certificate, the governor may direct the convict to be removed to one of the hospitals for the
10109. insane. When the superintendent is satisfied that a convict in his custody is restored to sanity, he must so certify to the governor of the state, who must order the convict to be returned to the penitentiary to serve the unexpired term of his sentence, less the time of his confinement in the hospital.

NEVADA

Authority:

Compiled Laws of Nevada, 1900

1. Administration and Supervision

a. General. Nevada is without a board having general control or supervision of the insane of the state.

b. Institutional, administrative and supervisory agencies. The state hospital is under the control of a board of commissioners consisting of the governor, state treasurer and state comptroller. 1463.

The board of commissioners has full power and exclusive control of the hospital and its inmates, of the appointment and removal of a superintendent, and of establishing the regulations and by-laws for its government. A record of their proceedings must at all times be open to inspection by a committee of the legislature, and they are required to make a report in detail to the legislature of all that pertains to the activities of the hospital. Powers and duties of commissioners. 1467.

The superintendent is empowered to employ all necessary help needed at the hospital, subject to the approval of the board of commissioners, to which he is required to make a monthly report of the operations of the institution. Superintendent. 1468.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital for the insane.

Local. There is no provision for the local care of insane in almshouses or other local institutions.

3. Commitment

a. Classes committed. All insane residents of the state are entitled to admission to the state hospital. Idiots and feeble-minded persons may be admitted if it is found to be for the best interests of the county of which they are residents.

b. Legal procedure in commitment. The judge of the district court in each judicial district in the state, upon the sworn application that any person by reason of insanity is unsafe to be at large, or is suffering from mental derangement, must cause such person to be brought before him, and cite one 1469.

or more licensed practicing physicians to examine the person alleged to be insane. If the physicians certify upon oath that the charge is correct, and if the judge is satisfied that the person is unsafe to be at large by reason of insanity, incompetent to provide for his proper care and support, has no property applicable for such purpose, and no kindred in the degree of husband or wife, father or mother, children, brother or sister living within this state of sufficient ability to provide care and support, he must commit him to the hospital, and transmit to the superintendent a copy of the complaint, commitment, and physicians' certificate, which must be in the form prescribed by the board of commissioners.

Proceedings in committing idiots and feeble-minded.
1473. The district judge in each judicial district, upon the sworn application that any person within the district, who has been a *bona fide* resident of the state for more than five years and of the county wherein he is at the time residing for one full year next preceding the application, is an idiot or feeble-minded person, must have the person brought before him and examined by one or more licensed practicing physicians. The proceedings are the same as those prescribed in committing the insane. If the judge finds the person to be an idiot or feeble-minded, and that it will be for the best interest of the indigent and the county of which he is a resident, he must commit him to the hospital for the insane at the expense of the county.

3744. *c. Appeal from commitment.* Any person restrained of his liberty may prosecute a writ of habeas corpus to inquire into
3746. the cause of it. A writ may be granted by any judge of the supreme or district courts.

1475. *d. Cost of commitment.* The expense of committing and transporting indigent insane persons from the various counties of the state to the hospital constitutes a charge upon the state.

The expense of committing idiots and feeble-minded and transporting them to the hospital is a charge upon the county of their residence.

1465. The district judge must inquire into the ability of insane persons committed by him to bear the expenses attending commitment to and support at the hospital. If the insane

person has means, the district judge must appoint a guardian for him, who shall pay all proper costs and charges incidental to arrest, transmission and proper care.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

7. Cost of Maintenance

Indigent insane persons are cared for at the hospital at the expense of the state. In case of patients of means, a guardian is appointed who must pay for his care and support during the period of his insanity, or so long as there is sufficient means to meet the expenses. If such insane person has no means applicable to his support, but has kindred in the degree of husband or wife, or (if a minor) father or mother living within the state, of sufficient means, the judge before whom the examination is had must order all expenses and charges paid by the nearest of such kindred, or may assess them among the kindred as he may deem equitable. 1465.

8. Criminal Insane

When a convict undergoing imprisonment in the Nevada state prison becomes insane and is so adjudged by a committee of lunacy appointed by the court as in other cases of insanity, the warden must deliver him to the superintendent of the state insane hospital for detention and treatment. If the convict is restored to sanity before the expiration of his sentence, he must be returned to the warden of the state prison to serve the unexpired term of his sentence, unless he is released by order of the Board of Pardons. 1459. 1460.

NEW HAMPSHIRE

Authorities:

Public Statutes of New Hampshire, 1901

Session Laws of New Hampshire, 1903, 1905, 1907

1. Administration and Supervision

Commission of Lunacy. Public Statutes, 1901, Sec. 32.

33.

a. General. The state board of health, composed of the governor, the attorney general, three physicians and a civil engineer, appointed for terms of four years, constitutes a commission of lunacy with the duty of visiting and inspecting all asylums and other institutions for insane persons at least once in four months, and to examine into all matters relating to the care and general welfare of the inmates. It may order the removal of any indigent insane person to the state hospital.

34.

35.

The commission must keep a correct record of the number of commitments, discharges and deaths at each asylum, institution or other place of detention, giving details as to age, sex and nationality, and report the same annually to the governor and the council. The superintendent of every asylum or other place where insane are confined must within three days after the commitment of any person notify the commission of lunacy of the fact.

Laws of 1895. Chap. 116, 4.

Laws of 1897, Chap. 91, 8.

The state board of charities and correction is composed of five persons, appointed by the governor for five years. The board has the duty of inspecting all county charitable or correctional institutions and reporting to the governor biennially with recommendations. It also recommends to county commissioners and other county officers the changes that should be made in their institutions. (The board has no duties in regard to the state hospital and when the state assumes charge of all insane, will have no responsibility for this class.)

b. Institutional, administrative and supervisory agencies.

Statutes, 1901, Chap. 10, 2.

6.

4.

7.

The state hospital for the insane is governed by a board of 12 trustees, appointed by the governor, who serve without pay. The trustees have charge of all the affairs of the hospital, may make such contracts relative to the support of patients as they deem advantageous as well as regulations for the management of the hospital and the care and educa-

tion of the patients. The trustees make an annual report to the governor and council. 9.

The governor and council, the president of the senate and the speaker of the house constitute a board of visitors to the hospital, and is required to make a biennial report to the legislature. 10.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital for the insane, to which also the criminal insane are committed.

The state assumes the care and control and treatment after January 1, 1913, of all insane persons cared for at the county almshouses. No county may thereafter establish any asylum or other additional structure for the care of the insane, or maintain any institution for the insane or be liable for the board and care of insane persons. Laws of 1907.

Local. At present a number of insane persons are found in the county almshouses where they may legally be supported until state care becomes effective.

3. Commitment

a. Classes committed. All insane persons, residents of the state are entitled to admission to the state hospital. The term insane includes every idiot, non compos, lunatic, insane or distracted person. Statutes, 1901, Page 64, 18.

b. Legal procedure in commitment. The parent, guardian or friends of any insane person may cause him to be committed to the state hospital with the consent of the trustees. Any insane pauper supported by a town may be committed to the hospital by order of the overseers of the poor and supported at the expense of the town. In case the overseers neglect to make such order in regard to any insane county pauper, the supreme court or any judge thereof may order him to be committed to the hospital and supported at the expense of the county. If an insane person is in such condition as to be considered dangerous while at large, a judge of probate upon petition by any person and notice to the selectmen of the town, may commit him to the hospital. No person may be committed to the state hospital, except by an order Chap. 10, 14. 15. 16. 17. 18.

of the court or the judge of probate, without the certificate of two reliable physicians, given after a personal examination made within one week of the committal.

Appointment of examining physicians. Laws of 1895, Chap. 14, 1.

When application is made to the judge of probate or of the supreme court for the committal of any person to the state hospital, the court may appoint two reputable physicians to examine said person, with or without notice to him from the court. The physicians must immediately report the result to the court, who may upon their report order the person to be committed to the state hospital when there is a sufficient reason for so doing. The certificate of the physicians must be accompanied by a certificate of the judge of the supreme court or court of probate, mayor or one of the selectmen.

Laws of 1895, Chap. 14, 2.

c. Appeal from commitment. The supreme court, or any justice thereof, at any time, with or without notice, when proper application is made, must investigate the question whether there is sufficient reason for the detention of any person who has been committed to the hospital, and must order his discharge if it ought to be made.

d. Cost of commitment

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

Laws of 1905, Chap. 101, 1.

The superior court or any justice thereof may parole a person committed to the state hospital upon such terms and conditions as justice may require; and the court or justice may at any time revoke the parole and order the person returned under the original commitment.

Statutes, 1901, Chap. 10, 27.

Any person committed to the state hospital may be discharged by any three trustees, by the commission of lunacy, or by a justice of the supreme court, whenever further detention at the hospital, in their opinion, seems unnecessary; but a person so discharged, who was under sentence of imprisonment at the time he was committed, must be remanded to prison for the unexpired period of his sentence of imprisonment.

28.

Provision is made for inmates of the hospital to make statements in private to a trustee, and whenever a trustee deems it proper he must call to his aid two other trustees who after

further examination of the inmate and statements made by him are in duty bound to discharge him if, in their judgment, further detention is unnecessary.

7. Cost of Maintenance

An insane person committed to the hospital, who has no means of support, no relatives of sufficient ability who are chargeable with his support, and no settlement in any town in the state, and whose condition is such that his discharge from the hospital would be unsafe, must be supported by the county from which he was committed. An insane person chargeable with an offense under penalty of death or confinement in the state prison, and who is committed to the hospital by order of the supreme court, must be supported at the expense of the state during his confinement. Any other insane person committed to the hospital by the supreme court, judge, or sheriff, and any insane person committed by a judge of probate must be supported by the county from which he was committed. Statutes, 1901, Chap. 10, 20. 22.

The county or town paying the expenses for the support of an inmate is entitled to recover the amount paid of the inmate himself if of sufficient ability to pay; otherwise of the town, county or person by law liable for his support. 23.

An insane person who has been an inmate of the state hospital for twenty years, and been supported in whole or in part during that time by others from the town or county chargeable therewith, and who has no means of support, and no relatives chargeable for it, and who can not properly be discharged from the hospital, must be supported there at the expense of the state. 25.

The state board of commissioners of lunacy is empowered to transfer any indigent insane person to the state hospital, to be supported by the state, provided satisfactory affidavits are executed by the county selectmen or the board of commissioners or both, and the board may declare that in its judgment the patient or any patient chargeable is able to bear the expense incident to his maintenance at the hospital. Indigent insane persons at the state hospital for treatment may be maintained by the state upon orders issued to that effect by the state board of commissioners of lunacy. When a Laws of 1907, Chap. 107. 1. 2. 3.

patient, or relatives chargeable with his support, is able to pay only a part of the expenses for maintaining the patient at the state hospital, the state board upon satisfactory evidence of the facts, may direct that the part of the expense of maintenance which can not be met by the patient or relatives, shall be paid by the state.

8. Criminal Insane

When a person is indicted for any offense or committed to jail on any criminal charge to await the action of the grand jury, any justice of the court before whom he is tried may, on the plea of insanity, put such person into the care and custody of the superintendent of the state hospital, to be detained and observed by him until further order of the court. The person so committed must be supported there at his own expense if of sufficient means, otherwise at the expense of the state.

Statutes, 1901, Chap. 255, 1. Whenever the grand jury omits to find indictment against a person because of insanity or a person prosecuted for an
2. offense is acquitted by the petit jury, the jury must certify the fact to the court; when any person prosecuted for an
3. offense pleads that he is not guilty by reason of insanity, the court may commit him to a prison or to the state hospital to remain until discharged by due course of law if, in the opinion of the court, it would be dangerous to allow him at large.
4. The governor and council, the supreme court, may discharge any such person from prison, or may transfer any prisoner who is insane to the state hospital to be kept there at the expense of the state, whenever they are satisfied that such discharge or transfer is necessary.

NEW JERSEY

Authorities:

Compiled Statutes of New Jersey, 1910
Laws of New Jersey, 1911 and 1912

1. Administration and Supervision

a. General. A salaried commissioner of charities and corrections, appointed by the governor for a term of three years, has the duty of inspecting all charitable and correctional institutions receiving funds from the state. He has power to see all state wards, must see all such who are in private institutions, and to require reports from the institutions under his inspection, together with other information in the form he may prescribe. The commissioner must report annually to the governor. Page 453, 1. 2.

At the request of the governor, the commissioner must investigate the management of the state institutions or other institutions receiving funds from the state. The governor may appoint a committee of not exceeding two persons to aid him in investigations. 3.

All private institutions for the care of the insane must be licensed by the commissioner of charities and corrections upon plans approved by him after careful inquiry. All licensed private institutions for the insane must be inspected at least twice a year by the department of charities and corrections and reported upon to the governor. A private institution for the insane must have at least one properly qualified resident physician. Private asylums. 3202. 108. 107. 110.

b. Institutional, administrative and supervisory agencies. Each state hospital for the insane is under the general control of a board of managers consisting of eight persons, no more than four of whom may belong to the same political party, appointed by the governor for terms of five years. 3191. 64.

Each board may establish the necessary by-laws in regard to the appointment of executive officers, assistants, attendants and employees necessary for the management of the hospital (including a treasurer) and fixes the condition of admission, support and discharge of patients. Each board appoints a medical director and as many assistants as may be deemed 3179. 10. 11.

13. necessary, also a warden of the hospital, as general manager of the buildings, grounds, farms, etc., belonging to the hos-
14. pital, whose duty it is, among other things, to make estimates of the amounts of money required for the support and maintenance for the hospital for the next ensuing fiscal year and
20. to submit such estimates to the board of managers. At least one manager must visit the hospital once in every week; two or more managers at least once in each month; a majority of the board at least once in three months; and the whole
3191. 66. board at least once a year. The board must make an annual report to the governor detailing the past year's operations and the actual state of the hospital. A committee of two members from each board of managers must visit each county insane asylum within their respective districts at least once a year and make recommendations concerning them in an annual report.

67. Each board is authorized to appoint a secretary.

County asylums. 3193. 71. The county asylums are under the control of the boards of chosen freeholders who are authorized to appoint superintendents and other officers necessary, subject to removal
74. by a vote of two-thirds of the members, to fix the compensation of officers, to establish rules for the management of the asylums, and terms of admission, support and discharge of patients.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane. Connected with one of them is to be a house of detention for convicts or criminal insane. (An appropriation of $100,000 for latter purpose made in 1912.)

Local. There are nine county institutions, most of them designed as hospitals, which receive committed insane patients and derive support from the state at the rate of $2 per week per patient.

3. Commitment

a. Classes committed. The indigent insane without a legal settlement in any county are committed to the state hospitals. Indigent insane having a legal settlement in some county are committed to county institutions of the county of which they

are legal residents or may be maintained by their counties at state hospitals.

Pay patients may be received at the state hospitals when there are vacancies. 3179. 31.

b. Legal procedure in commitment. No one may be committed to or confined in any institution for the care and treatment of the insane in this state except upon filing with the medical director of the institution an application in writing by the person interested in his admission. The application must state the age, place of nativity, name, place of residence and occupation of the person to be committed, etc., and be accompanied by the sworn certificates of two physicians. Commitment to state hospitals or county hospitals. 3206. 125.

No person may be held in confinement for more than fifteen days unless the person applying within that time presents to the justice of the supreme court presiding in the courts of the county in which the person so confined resides, or a judge of the circuit court, or of the court of common pleas of the county, the application with the certificates. If the residence of the person can not be ascertained, the application must be made to either of the above mentioned judges. The judge may make inquiry and take proofs as to the insanity of the person so confined, and in his discretion call a jury. The inquiry must be concluded if possible within fifteen days after the presentation of the application. 3206. 126.

If the justice or judge finds the person insane, he must so certify, and order him confined in one of the institutions for the care and treatment of the insane in the state until he has recovered, or is removed or discharged. The certificate and order are filed with the clerk of the county, who must forward certified copies to the medical director of the institution in which the person is confined. If the justice or judge determines that the person is not insane, he must order his discharge from the institution in which he is confined, and file the papers in the case as provided above. 3206. 127.

A physician certifying to the insanity of any person for the purpose of securing his commitment as insane must be of reputable character, a graduate of some incorporated medical college, a permanent resident of the state, who has been in the actual practice of his profession for at least five years. 129.

No certificate of insanity may be made except after a personal examination of the person alleged to be insane held not more than six days prior to his confinement, and according to forms approved by the managers of the state hospitals for the insane. The medical certificates must contain a thorough description and identification of the person sought to be confined, and all the facts obtainable in regard to his malady. A non-resident of the state may, however, be confined on the certificates of two physicians having the same qualifications, who are residents of the state from which the non-resident is sent; but a non-resident may not be held in confinement for more than fifteen days, except upon the certificates of two physicians resident in the state.

130. No physician may certify to the insanity of any person for the purpose of securing his confinement in any institution with which he is connected or interested in, or who is a near relative, by blood or marriage, or guardian or trustee of the person sought to be confined.

131 Every medical director of an institution for the insane must, within three days after the reception of a patient, have a descriptive entry recorded of his case, and from time to time other entries in regard to the mental state, bodily condition and medical treatment of the patient, together with the forms of restraint employed. In the event of the discharge or death of the patient the medical director must record the circumstances.

132. If a person residing in the state is insane and indigent, it must be set forth in the application. The justice or judge to whom application is made must determine the question of his indigence as well as of his insanity. If the judge finds him not insane he must so certify, and order the person discharged from the institution in which he is confined.

133. If he finds that the person is insane, but not indigent, he must so certify, and order him confined in one of the institutions for the care and treatment of the insane, if proper arrangements have been made for his maintenance; and the judge must ascertain, if possible, the legal settlement of the person.

134. If the judge finds the person to be insane and indigent and

to have a legal settlement in the county in which he resides, he must order him confined in the institution for the care and treatment of the insane owned by the county in which he has a legal settlement, otherwise in a state institution for the insane.

If the chief medical officer of any hospital for the insane has a doubt of the insanity of a patient admitted by him, he must certify it upon the copy of the application for admission. 3205. 120.

The proceedings in committing insane patients to private institutions are the same as those required for commitment to public institutions. Commitments to private institutions. 3202. 111.

Any resident of the state, believing himself about to become insane and desiring to submit himself to treatment, and whose mental condition is such as to render him competent to make an application, may be admitted to any state hospital for the insane as a private pay patient, upon application to the medical director. The application must give all the facts in the case, including a declaration as to the financial condition of the applicant. The medical director of the hospital, if satisfied that the applicant is competent to make the application and that the facts are true, must admit him. Within ten days thereafter, the applicant, or some person in his behalf, must furnish a bond for the payment of the maintenance charges while he is a patient. Voluntary commitment. 3212. 143.

A voluntary patient may be discharged upon the certificate of the medical director, because he is cured or because treatment in the institution is unnecessary or undesirable. A voluntary patient may leave the institution upon three days' notice to the medical director. 144.

c. Appeal from commitment

d. Cost of commitment

4. Conveying Patients to the Hospital

When a female insane patient is to be removed from or to any institution, the court under whose order she is committed, or freeholders or commissioners of the county, or the overseers of the poor of the district to which the patient is chargeable, must provide a female attendant for every female patient in transit at the expense of the proper county or 3192. 68.

69. poor district. Refusal or neglect to do so is punishable by a penalty of $50.

5. Transfer of Patients

6. Parole and Discharge of Patients

2179. 42. On the certificate of the medical director of the complete recovery, the managers of a hospital may discharge any patient, except one under a criminal charge or liable to be removed to prison. They may return to the county almshouse whence he came, any person admitted as dangerous who has been two years in the hospital, on the medical director's certificate that he is harmless. When the hospital is full, such a person may be discharged upon a certificate that he is incurable and can properly be cared for in the almshouse. The managers may also discharge an unrecovered patient, except one under a criminal charge, to relatives or friends who are willing to take and provide for him. Patients discharged must be furnished with suitable clothing and necessary traveling expenses, not exceeding $10.

58. The boards of managers may discharge an indigent nonresident patient to relatives living in another state or foreign country when it can be done without danger to him.

7. Cost of Maintenance

48. The state pays one-half of the cost of the support of indigent patients in the state hospitals, and the county from which they were sent pays the other half.

3205. 121. If a patient committed as indigent is afterwards found not to be indigent, the county requesting his commitment becomes liable for his support, but has the right of recovery from his estate, guardian, relative, township or county that would have been liable for his support had he not been committed to the hospital.

122. Indigent patients without a legal settlement in any county are supported by the state.

3206. 138. Every insane person in an institution for the insane is personally liable for his maintenance. The trustee, guardian or relative bound by law to provide for him if he had not been sent to the institution is liable for the expenses of his

139. clothing and maintenance. The parents, grandparents, the

children and grandchildren, if of sufficient ability, of every insane person in an institution for the insane whose estate is not sufficient for his support, are liable for his maintenance.

If, after commitment as indigent, a person is able to pay for his maintenance, or some other person is able to pay for it, or some other person is legally bound for his support, the county from which he was committed must collect the sums due for his maintenance. When it is found after the commitment of any person as a non-indigent patient that his estate is unable to pay for his maintenance, he at once becomes an indigent patient, and his board and maintenance are a charge upon the county in which he has a legal settlement. 141.

8. Criminal Insane

When a person has escaped indictment, or been acquitted of a criminal charge upon trial, on the ground of insanity, the court, if his insanity in any degree continues, must order him to be sent to the state hospital at the expense of the county from which he is sent, but the county may recover the amount so paid from his own estate, if he has any, or from any relative or county that would have been bound to provide for and maintain him elsewhere. 3179. 33.

Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the hospital in the same way as persons charged with crime. 3179. 35.

The proceedings in committing the criminal insane are the same as in other commitments. If the judge finds the person in question insane he must so certify, and order him discharged from imprisonment and confined in one of the state institutions for the insane, or in a county institution for the insane, until he is restored to reason or removed or discharged. If the person is restored to reason during the pendency of the proceedings, he must be remanded to the place in which he was confined, but not unless the medical director of the institution in which he is confined, presents to the judge a certificate that he has been restored to reason. 3206. 137.

If any person confined in the state prison appears to be insane, the judge of the circuit court of the county in which the prison is situated, upon information from the physician of the prison, must institute a careful investigation, call two 1877. 172.

physicians, invite the attorney general to aid in the examination and may call a jury. If the prisoner is found insane, the judge must order his commitment to the state hospital in the hospital district in which he was convicted, at the expense of the state. If upon recovery his sentence has not expired he must be returned to serve out the remainder of it.

9. Habitual Drunkards

2797. 25. The court of chancery may lawfully issue a commission in the nature of a writ *de lunatico inquirendo* to inquire into the habitual drunkenness of any person in this state. In case habitual drunkenness is found, the chancellor must transmit to the orphans' court of the county in which the habitual drunkard resides a certified copy of all proceedings which may be had. Thereupon the orphans' court, upon application, is required to appoint a guardian or guardians. It is lawful for the chancellor, upon application of such guardian, to make the necessary order for the safe keeping of the habitual drunkard, with a view to his reformation. The chancellor may authorize the guardian to place the habitual drunkard in a state asylum for lunatics, or in some other proper retreat. When the order is made for the keeping of the habitual drunkard in a state asylum, the guardian is required to give security, in such amount and form as the chancellor may direct, for the payment of the expense of keeping such habitual drunkard therein.

29. No petition for an inquisition as aforesaid, by a wife against her husband, or by a child against his or her parent, may be received or acted on.

NEW MEXICO

Authorities:

Compiled Laws of New Mexico, 1897

1. Administration and Supervision

a. General. The state is without a board having general supervision and control of the insane.

b. Institutional, administrative and supervisory agencies. The state hospital is under the management of a board of five directors, appointed by the governor.

The directors are responsible for the buildings and property of the hospital, have the care and custody of all patients, and the disbursement of all moneys. The president of the board is the chief executive officer. He has general direction of the affairs of the hospital, nominates and with the advice and consent of the board of directors, employs all physicians, nurses, guards and other necessary employees, and fixes their salaries. The board enacts laws and regulations for the government of the hospital, its employees and inmates, and has power to remove any officer or employee of the asylum. The board has discretionary power in case of absolute necessity to remove patients to the nearest possible safe and appropriate place; to regulate the accounts; to examine and audit the expenditure for employees and all other expenses; to make regulations and fix the terms upon which insane patients who are not indigent or who are not residents of the territory may be admitted. 3608. 3612. 3614. 3615. 3616.

The medical superintendent must be a graduate in medicine and have practiced his profession five years after the date of his diploma. Medical superintendent. 3617.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a hospital for the insane.

Local.

3. Commitment

a. Classes committed. All insane residents of the state are entitled to admission to the state hospital. No case of idiocy, simple feeble-mindedness, delirium tremens or mania *a potu* 3618. 3619.

may be received, and no person with a contagious or infectious disease. Non-resident indigent insane may not be admitted unless becoming insane while within the territory.

Resident indigent insane have preference in admission.

3619. *b. Legal procedure in commitment.* Whenever it appears, by affidavit, to the satisfaction of a judge of the peace of any county, that a person within the county is so far disordered in his mind as to endanger his health, person or property, he must issue a warrant directing the person to be taken before any judge of the district court within the proper district for examination. The judge of the district court must subpoena two or more witnesses, best acquainted with said person, to appear and testify before him at the examination. A subpoena must also issue for at least one graduate of medicine, requiring him to attend the examination. If the physician certifies that the person is insane and that it would be dangerous for him to be at large in the community, and the court is satisfied of the same, he must order the person to be committed to the state hospital. If the person is indigent, the judge must so certify to the board of directors of the hospital.

2781. *c. Appeal from commitment.* Every person restrained of his liberty may prosecute a writ of habeas corpus to obtain
2783. relief from the restraint, if it proves to be unlawful. Application for such writ must be made by petition to any judge of the supreme court, signed and verified either by the party for whose relief it is intended, or by some person in his behalf.

d. Cost of commitment. The cost of examining and transporting an indigent insane person is chargeable upon the county from which he was taken.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

3618. Insane persons received into the asylum must be discharged upon recovery.

7. Cost of Maintenance

3619. When a person declared insane has property of any sort that can be subjected to the payment of his care and support at

the hospital, the committing court must order proceedings to be taken accordingly.

8. Criminal Insane

Insane convicts must be received into the hospital and returned to the penitentiary upon their recovery unless their sentence has expired. 3618.

NEW YORK

Authorities:

Consolidated Laws of New York, 1910
Criminal Code of New York, 1909
Laws of New York, 1911, 1912

1. Administration and Supervision

Hospital commission. Insanity Law, 3.

a. General. The state hospital commission consists of three members. One of the commissioners must be a reputable physician of at least ten years' experience in actual practice and five years' experience in the care and treatment of the insane in an institution for this class; one must be a reputable attorney of not less than ten years' standing and the third a reputable citizen. The commission chooses one of its members as chairman. All three commissioners are salaried officials, the medical commissioner receiving $7,500 per annum and the other two $5,000 each. They are appointed by the governor, the medical commissioner to hold office during good behavior, and the other two commissioners for terms of six years. Any commissioner may be removed by the gov-

4. ernor for cause. Attached to the office of the commission is a medical inspector who is charged with the inspection of the state hospitals and especially with the examination of the patients confined in the different hospitals, and who must have at least five years' actual experience in an institution for the treatment of the insane.

General duties and powers of commission. 6.

The commission is, in general, charged with the execution of the laws relating to the custody, care and treatment of the insane, but not laws relating to feeble-minded persons, epileptics and idiots. It is required to examine all institutions, public and private, authorized to receive and care for the insane, and the methods of government and management of

7. the inmates. The commission has the general oversight and the control of all the property of state hospitals for the insane, and accepts and holds any grant or bequest of money or property for the maintenance of any insane person in a state

8. hospital or for other legitimate purpose. The commission must visit every state hospital and every private institution at least twice a year and make the necessary recommendations. The matters that the commission must examine and inquire

into are specified in detail. The commission is required to meet the board of managers of each hospital at least once a year for the consideration of the management and improvement of the institution. Any member of the commission or 9.
the medical inspector may visit any institution where any sick or infirm persons are received or treated for the purpose of ascertaining whether insane persons are confined there without authority. Persons in charge of such institutions must afford 10.
the commission free access and all needed information. The commission makes regulations in regard to correspondence of the insane in custody, and must approve books of record or blank forms for the official use of the hospitals. The commission is required to submit an annual report to the legisla- 11.
ture, including financial estimates for the hospitals.

The hospital commission divides the state into as many Hospital districts. 12.
hospital districts as there are state hospitals, and has power to change their limits. The hospital districts must be so defined that the number of patients in each is in proportion, as nearly as practicable, to the hospital accommodations provided within it.

Physicians having obtained certificates as medical exam- Record of medical examiners. 14.
iners in lunacy must file the certificate with the clerk of their county and send a certified copy to the hospital commission within ten days. The commission must keep a record of all medical examiners, and the latter are not qualified until they have received from the commission an acknowledgment of the receipt and filing of their certificates.

The form of the record of patients to be kept by the com- Record of patients. 15.
mission is prescribed in detail by the law, and all institutions 16.
are required to furnish the information called for by the record within a specified time, as well as information in regard to other necessary matters.

The commission is especially charged to provide for the 17.
prospective wants of the poor and indigent insane and for the prevention of over-crowding. It must furnish the legislature each year an estimate of the probable number of patients becoming inmates of the respective state hospitals during the ensuing years, and the cost of additional buildings and equipment when such are necessary. No expenditures may be made

for additional buildings or extraordinary equipment except upon plans and specifications approved by the commission and the governor.

Bureau of deportation. 19.

The commission must establish a bureau of deportation for the examination of insane, idiotic, imbecile and epileptic immigrants and alien and non-resident insane, consisting of a medical examiner and such medical or lay deputies as may be necessary, the appointments being made by the commission. The medical examiner of the bureau must be a reputable physician of at least ten years' active experience in his profession and of at least five years' experience in the care and treatment of insane in the hospitals of the state or elsewhere. He receives a salary of $5,000 a year, holds office during good behavior and is removable by the commission for cause. The commission must endeavor to arrange for the continued official recognition of the bureau by the proper authorities of the United States or other states in carrying out its purposes. The bureau must maintain a careful inspection of the methods and facilities for examining the immigrants with mental diseases at the port of New York and is required to report to the commission from time to time in regard to methods employed, the prevalence of insanity among the immigrants and the foreign born population and to make recommendations in regard to the means by which insane, idiots, imbeciles and epileptics may be deported. It must examine alien and non-resident insane persons in the state hospitals, in other public institutions and elsewhere in order to determine whether they are suitable cases for deportation under the immigration law or are removable to other places or states. The superintendents of hospitals and institutions must notify the bureau of all such cases coming under their jurisdiction and furnish the necessary information. The bureau must notify the authorities in charge of the enforcement of the immigration laws at the port of the entrance of immigrants found to be insane, idiotic, imbecile or epileptic and insane aliens who are or become public charges and arrange for their deportation. The bureau must further notify the commission of the location of non-residents, and the commission must give the bureau the neces-

sary authority for their investigation and removal. Upon the request of any indigent insane persons or on the written consent of their relatives, legal representatives or qualified friends, the bureau may remove such patients to any country, state or place to which they belong. In making transfers and removals, the bureau is required as far as practicable to employ nurses and must employ female nurses or attendants to accompany female patients unless it is certified by the medical superintendent that they are in condition to travel alone in safety.

Licenses for private institutions. 59.

Institutions for the care and treatment of the insane for compensation must be licensed by the hospital commission. Application for license must be accompanied by a plan of the premises proposed to be occupied, with such other information, and in such form, as the commission may require. The commission may at any time investigate how far a licensed institution is conducted in compliance with the license, and may, if the interests of the inmates of an institution require it, amend or revoke any license granted.

Investigations into the care of the insane. 92.

When the commission has reason to believe that any person adjudged insane is wrongfully deprived of his liberty, or is cruelly or improperly treated, or inadequate provision is made for his care and safe-keeping, it may order an investigation of the facts, compel the attendance of witnesses and the production of papers, and exercise the powers of a referee in the supreme court. If the order made by the commission for remedial treatment is just and reasonable, and approved by a justice of the supreme court, it is binding upon any and all institutions to whom it is directed, and any wilful disobedience of it is a crime. When the commission undertakes an investigation into the general management of an institution for the insane, it may give notice to the attorney general, who must appear personally or by deputy and examine the witnesses. The commission may at any time visit and examine inmates of any county or city almshouses to ascertain if insane persons are kept therein.

Recommendations to be kept on file. 60.

The authorities of each institution for the insane must place on file in the office of the institution the recommendations made by the commissioners as a result of their visits,

for the purpose of consultation by such authorities and for reference by the commissioners upon their visits.

Appointment of visitors. 61.

Justices of the supreme court are authorized to appoint visitors to state hospitals, upon nomniation of the State Charities Aid Association.

b. Institutional, administrative and supervisory agencies. Each state hospital is under the control of a board of managers, subject to the powers of the commission, consisting of seven members, of whom two must be women, appointed by the governor for terms of seven years. If any manager fails to attend for six months the regular meeting of his board without due excuse, his place may be declared vacant.

42.

Duties of boards of managers. 43.

The managers, who do not receive any compensation for their services, have control of all the property and the general direction of the internal affairs of the institution to which they are appointed, subject to the powers of the commission. The rules and regulations must be uniform for all the state hospitals. The superintendent of each hospital is required personally to submit at each monthly meeting of the board a report showing the changes in population, health of patients, officers and employees, accidents, suicides, unusual sickness, etc.

The further duties of each board in regard to the general interests of the hospital, maintaining proper inspection, keeping records, holding regular meetings, making reports of the condition of the patients and the institution to the hospital commission and investigating all charges made against officers or employees of hospitals, etc., are prescribed in detail by law.

Appointment of superintendents. 44.

The hospital commission has the sole power of appointing the superintendents of the hospitals, but subject to the approval of the board of managers of each hospital. The superintendents must be well educated physicians, graduates of incorporated medical colleges and have at least five years' experience in a hospital for the insane. The commission also has authority to transfer superintendents from one hospital to the other. A superintendent may be removed by a vote of the majority of the board of managers for proper cause, if approved by the commission. Charges of misconduct or

incompetency against any superintendent may be made to the board of managers of the hospital by the commission.

The superintendents must have an examination made of each patient within five days after his admission. The superintendent of each hospital has the power to appoint resident officers, including a woman physician and other employees, to remove them for cause, and to prescribe their duties. The commission determines the number of resident officers and employees and may, with the approval of the governor, abolish the office of any of them. Powers and duties of superintendents. 45 (2).

The general duties of the superintendents are prescribed in detail.

A committee consisting of three superintendents, appointed by the commission, establishes by-laws, rules and regulations governing the appointment and duties of officers and employees of all the state hospitals, and for their internal government, discipline and management. The by-laws and regulations which must be uniform for all the hospitals are subject to the approval of the commission and the quarterly conference of superintendents and managers with the commission. 45 (12).

The several superintendents of the hospitals must hold joint meetings at least once in three months to consult with the commission on matters pertaining to institution management and particularly with reference to the care and treatment of patients. 48.

The law specifies minutely regulations in regard to allowances, salaries, and wages; estimates of expenditures; the powers and duties of the treasurer and steward. 49-56.

The hospitals for the criminal insane are under the control of the state superintendent of prisons who appoints the superintendents and subject to the approval of the hospital commission makes rules and regulations for the government of these institutions.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains fourteen state hospitals for the poor and indigent insane (two of which are under the homeopathic school of medicine), two hospitals for the criminal and dangerous insane, and a psychiatric institute.

Poor law, 6. *Local.* There are no local public institutions for the insane. They may not be committed to an almshouse.

3. Commitment

a. Classes committed. All insane persons, not idiots, who
80. are residents of the state and citizens are entitled to admission to the state hospitals for the insane. Epileptics and feeble-minded persons becoming insane may be committed to a state hospital.

89. The commission may authorize the superintendent of a state hospital to admit under special agreement insane persons who are residents of the state, other than poor and indigent, when there is room for them. No such patient is permitted to occupy more than one room in any state hospital. The payment of the cost of maintenance must be secured by a surety company bond. The commission has power to demand the removal of such patients to duly licensed private institutions.

80. *b. Legal procedure in commitment.* A person alleged to be insane, who is not confined upon a criminal charge, may be committed to an institution for the insane by an order made by a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district, in which he resides, upon a certificate by two qualified medical examiners in lunacy, accompanied by a verified petition, or upon such certificate and petition after a hearing to determine the question. The hospital commission furnishes blanks for such certificates and petitions. An insane person may be committed only to a state hospital, a duly licensed institution for the insane or the hospitals for the criminal insane, or to the care and custody of relatives or a committee.

Certificates of physicians. 81. The certificate of lunacy must be made out by two reputable physicians graduates of an incorporated medical college, who have been in actual practice at least three years, and have filed with the commission a copy of the certificate of a judge of a court of record, showing such qualifications in accordance with the forms prescribed by the commission. The physicians must jointly make a final examination within ten days before the order is granted. The certificate must contain the facts and circumstances upon which the judgment of the

physicians is based and state that the condition of the person requires care and treatment in an institution for the insane. Neither of the physicians may be a relative of the person or have any interest in the institution to which it is proposed to commit him.

Who may apply for commitment of the insane. 82.

Any person with whom an alleged insane person lives, or his near relatives, or the next of kin available, or the committee of his person, or an officer of any well-recognized charitable institution, and any overseer of the poor of the county, may apply for an order of commitment by presenting a verified petition containing a statement of the facts in the case, accompanied by the prescribed certificate of lunacy of the medical examiners. Notice of the application must be served personally upon the person alleged to be insane at least one day before it is made; and if made by an overseer or superintendent of the poor, notice must also be served upon the relatives of the alleged insane person or if relatives are not known, then upon the person with whom he resides.

Judge to determine question of insanity. 82.

If no demand is made for a hearing on behalf of the alleged insane person, the judge may proceed to determine the question of insanity, and if satisfied that he is insane, may immediately issue an order for his commitment. But if it appears that he is harmless and that relatives or a committee are willing and able to care for him at some other place, the judge may order him placed in the care of the relatives or committee. The judge may require other proofs in addition to the petition and medical certificate.

Hearing on application. 82.

Upon demand, or upon his own motion, the judge may direct a hearing to be held on application within five days, at which he must hear the testimony and examine the alleged insane person if deemed advisable, in or out of court. If the person is found insane, the judge must forthwith order him committed to an institution for the insane or make other provision. If the judge can not hear the application himself, he may name some referee to hear the testimony and report to him. The order of commitment to a state hospital must be accompanied by a written statement of the judge in regard to the financial condition of the insane person and persons

liable for his support. The superintendent of the hospital must be notified of the commitment and at once make provision for the transfer of the insane person to the hospital.

Documents to be sent hospital superintendent. 82.

The petition of the applicant, the certificate of the medical examiners, the order directing a hearing, if one be issued, and the decision of the judge or referee, and the order of commitment must be presented at the time of the commitment to the superintendent of the institution and copies forwarded by him to the state hospital commission. The same obligations in regard to the papers in the case rest upon relatives or committee to whose care an insane person is committed.

Refusal of patients. 82.

The superintendent of any institution for the insane may refuse to receive a person committed if the papers do not comply with the above provisions, or if, in his judgment, the person is not insane within the meaning of the statute, or if received, he may be discharged by the commission. No person may be admitted to any such institution after the expiration of five days from the date of the order of commitment.

Emergency commitment. 82.

If an insane person needs immediate care and treatment, or is dangerously insane, he must at once be received by a state or licensed institution authorized by law to care for the insane on a certificate of lunacy executed by two medical examiners in lunacy after examination upon the presentation of a proper petition, but may not be retained for a period exceeding ten days. Prior to the expiration of this time, an order for his commitment must be obtained as provided by law. The superintendent of any institution may refuse to receive an insane person upon such certificate and petition if, in his judgment, the reasons alleged are not sufficient, or if the condition of the patient is not of such a character as to make it necessary that he should receive immediate treatment.

Voluntary commitment.

The superintendent of any state hospital or licensed private institution for the insane, except the Matteawan and Dannemora State Hospitals may, subject to the regulations of the state hospital commission, receive and retain as a patient any suitable person who voluntarily makes written application for admission, and whose mental condition is such as to render him competent to make it; but he may not be detained for

more than ten days after having given notice of his intention or desire to leave the hospital.

Within three days after the admission of a voluntary patient the superintendent of a state hospital must send a record of the patient to the state hospital commission. The superintendent in charge of a licensed private institution for the insane must furnish the medical commissioner or medical inspector a complete list of all voluntary cases since his last visit. The commissioner or inspector must examine such cases and determine whether they belong to the voluntary class. His decision as to their commitment or discharge must at once be complied with. Failure to conform with these requirements is sufficient cause for the revocation of the license of a private institution.

Duties of local officers in regard to the insane. 87.

County superintendents and overseers of the poor, health officers and others having to do with the poor must see that indigent insane persons are timely granted the necessary relief. They must notify the proper health officer of the presence of the insane person, who must see that proceedings are taken for his examination and commitment to a state hospital. When directed by the health officer, it is the duty of the poor officer to make application for the person's commitment. Pending the examination, commitment and delivery to the hospital, the health officer must see to it that the insane person is properly cared for. In the boroughs of Manhattan and the Bronx, the duties prescribed in this paragraph devolve upon the trustees of Bellevue and Allied Hospitals, and in the other boroughs of New York City and in the county of Albany upon the commissioner of public charities.

The trustees of Bellevue and Allied Hospitals, or the commissioner of public charities of New York City or of Albany county, must see that proceedings are taken to determine the mental condition of any person from their locality who is reported insane and when necessary that his commitment to an institution for the insane is secured; provided that the report is made by one with whom the alleged person lives, or a near relative or a licensed physician or a peace officer or by a representative of an incorporated charitable society. When it is reported to the above authorities that an appar-

ently insane person resides within their respective boroughs, they must send a nurse or a medical examiner in lunacy, attached to the psychopathic ward of their institution to see the alleged insane person. If, in the judgment of the chief resident alienist of the respective psychopathic wards or of the medical examiners, the person needs immediate care and treatment or should be placed under observation, he must be removed to the psychopathic ward, for not over ten days, due notice being given his relatives.

When a person has been ordered committed, the local officials must have him transferred without unnecessary delay to a proper state hospital. In no case may an insane person be confined in any other place than a state hospital or licensed private institution for the insane for more than ten days, nor be committed as a disorderly person to a prison for criminals. The local authorities may provide a plan for the temporary care of alleged insane persons, subject to the approval of the commission.

An apparently insane person may be arrested if disorderly by any peace officer who must notify the proper authorities at once. In New York City a magistrate may, upon proper information, issue a warrant for the apprehension of an apparently insane person. If the person appears upon arraignment to be insane the magistrate must commit him to the custody of the trustees of Bellevue and Allied Hospitals or to the commissioner of public charities, as the case may be, who shall take measures for the determination of his mental condition.

Temporary care of dangerous insane. 88.

When an insane person has sufficient property to maintain himself or those liable for his support are able to do so, and he is dangerously insane, the committee of his person and estate or his relatives must provide a suitable place for his confinement, subject to the approval of the local health officer. The local health officers, or in the boroughs of Manhattan and the Bronx (New York City), the board of trustees of Bellevue and Allied Hospitals, and in the boroughs of Brooklyn, Queens and Richmond (New York City), and the county of Albany, the commissioner of public charities are required to see that the above provision is complied with in the most

humane and speedy manner. If the committee of his person or relatives refuse or neglect to care for the insane person, application must be made by the officials named to a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district in which such insane person may reside, for his apprehension and confinement. Unless an order of commitment has been previously granted, application must be made by the officers named for his commitment to the proper institution and they must take the necessary legal steps to have him sent to such institution. Pending transfer the officers in question must have the insane person cared for in a suitable place and provided with proper medical care and nursing.

c. Appeal from commitment. If a person ordered to be committed, or any one representing him, is dissatisfied with the order of the judge, he may within thirty days after the order is made, obtain a rehearing and review of the proceedings upon petition to a justice of the supreme court other than the justice making the order of commitment. The justice must summon a jury and try the question of the insanity of the person committed. If the petitioner is other than the person committed, or his near relative, or the one with whom he resided, security must be furnished for payment of the costs of the proceedings. If the person is found to be sane, he must forthwith be discharged, but if insane, the justice must certify the fact and order recommitment as upon the original hearing. If a judge or justice refuses to grant an application for an order of commitment of an insane person proved to be dangerous to himself or others, he must state his reasons for refusal in writing, and any person aggrieved thereby may obtain a rehearing and review, and a determination of the question of insanity by a jury.

Review of proceedings and order of commitment. 83.

Any one held as insane is entitled to a writ of habeas corpus, on application made by him or by a friend. At the hearing, the medical history of the patient must be given in evidence, and the superintendent or medical officer in charge must testify under oath.

93.

d. Cost of commitment. The cost of determining the insanity of an indigent person and in securing his admission to a

84.

state hospital, including the expense of proper clothing, medical care and nursing, is a charge upon the town, city or county securing the commitment. If the person is not indigent, the cost paid by a town, city or county may be collected from his estate or from the persons liable for his maintenance.

4. Conveying Patients to the Hospital

87. The hospital to which a patient is committed must send a trained attendant to bring him to it. Each female patient must be accompanied by a female attendant, unless accompanied by her father, brother, husband or son. The commission may prohibit the employment of an attendant it deems unfit.

5. Transfer of Patients

91. In case of over-crowding or for other reasons, the state hospital commission may order the transfer of patients from one state hospital to another, at the expense of the state.

6. Parole and Discharge of Patients

Parole of patients. 94. The superintendent of a state hospital may grant a parole to a patient not exceeding six months, under the general conditions prescribed by the commission, during which time the hospital is not liable for his expenses, which are then a charge upon the committee or person to whom he is paroled.

Discharge of patients. 94. The superintendent of a state hospital, on filing his written certificate with the commission, may discharge any patient, except one held upon an order of the court having criminal jurisdiction in an action or proceeding arising out of a criminal offense, as follows: (1) a patient who has recovered; (2) a patient who is a dotard, not insane; (3) any patient who has not recovered, but whose discharge will not be detrimental to the public welfare or injurious to himself; provided that the superintendent is satisfied that friends or relatives of the patient are willing and able properly to care for him after discharge.

When court may order discharge. 94. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, any judge of the court of record in the district in which the hospital is situated may inquire into the case and, upon proofs, having accorded the superintendent a hearing, direct the discharge of this patient, upon such security as he may require.

The commission may discharge any patient who, in its judgment, is improperly detained in any institution. Poor and indigent persons discharged by the superintendent as idiots, dotards, or as epileptics, not insane, or because not proper cases for treatment, must be received and cared for by the superintendent of the poor or other authority having similar power in the county from which he was committed. A patient held upon an order of a criminal court in an action arising from a criminal offense may be discharged upon the superintendent's certificate of recovery, approved by the court.

Discharge of patients by commission. 94.

The superintendent of a licensed private institution may parole a patient for not more than six months, under conditions prescribed by the commission. He may discharge, on filing his certificate with the commission, a recovered patient or one who has not recovered if it is not detrimental to public welfare or injurious to the patient. The superintendent, subject to the approval of the commission, may apply for the transfer of a patient to a state hospital whom he refuses to discharge and for whom relatives or friends refuse to provide care and treatment.

Parole and discharge from licensed institution. 94.

Poor and indigent persons committed to a state hospital who have not a legal settlement in the state of New York may be returned by the hospital commission, either before or after their admission to a state hospital, to the country or state to which they belong upon an order issued by any judge.

Return of indigent non-resident insane. 96.

7. Cost of Maintenance

All poor and indigent insane persons, not in confinement under criminal proceedings, committed to state hospitals, are wholly supported by the state. The cost of transfer of patients to state hospitals is a charge upon the state. The hospital commission must secure from the patient's estate and from relatives or friends liable or willing to assume the costs of support, reimbursement at the rate fixed by the commission, in whole or in part. The commission may waive the whole or a portion of the claim of the state against the estate of a patient, when the court by which the committee was appointed has directed the committee to apply any part of the patient's estate for the maintenance of his family. The commission may appoint agents to secure from relatives and friends who

Laws of 1911, 85.

are liable or willing to assume the cost of support reimbursement, in whole or in part. The commission may fix the rate to be paid for the support of an inmate of a state hospital by the committee of the patient or by relatives liable for his support or by persons willing to assume the cost. The maintenance of any inmate of a state hospital, committed upon a court order arising out of any criminal action, must be paid by the county from which the inmate was committed.

86. The father, mother, husband, wife or children of an insane person if of sufficient ability and his guardian, if the estate is sufficient, must maintain him.

8. Criminal Insane

Criminal Code, 1909, 454. If the defense of insanity is made in a criminal case, and the jury acquit the defendant on that ground, the court may order him committed to a state hospital until he becomes sane.

481. If the court believes the defendant to be insane the question of his insanity must be tried; and if he is found insane, he must be committed to a state hospital.

658. When a defendant pleads insanity, the court may appoint a commission of not more than three disinterested persons to examine him and report as to his sanity. The same procedure may be taken in case the defendant is in confinement under indictment and appears to be insane. In either case, the commission must at once make examination, to be attended by the district attorney, and the counsel of the defendant may take part in the proceedings.

659. If the commission finds the defendant insane, and the court deems his discharge dangerous, the judge must order him committed by the sheriff to a state hospital, and to be delivered

661. by the superintendent to the sheriff upon his recovery, in which case the superintendent must notify the judge of the circuit court of the district in which the hospital is situated, whereupon the defendant must be brought back to trial, judgment, execution, or be legally discharged.

662. The expenses in such cases are chargeable upon the county from which he was sent, which may, however, recover from the estate of the defendant or from a relative, town, city or county, bound to provide for him.

Commitment of misdemeanants when insane. 118.

Whenever the physician of the state prison for women, of any county penitentiary or workhouse, of any reformatory for women, or of the state reformatory or of any other penal institution, reports that a person undergoing a sentence of one year or less or convicted of a misdemeanor, or any female convict, is insane, the warden may apply to a judge of a court of record for an examination of the person by two legally qualified examiners in lunacy, other than the physician connected with the penal institution where the alleged insane person is in confinement. If the examiners in lunacy are satisfied that the convict is insane, the warden must apply to a judge of a court of record for an order transferring the person to the Matteawan State Hospital. This hospital is established for the purpose of caring for insane persons committed by the criminal courts or transferred to it by the state hospital commission and for convicted persons who are declared insane while undergoing sentence for a year or less or for a misdemeanor and for all female convicts. 119.

Discharge from the Matteawan hospital. 119.

When a convict in the Matteawan State Hospital is found insane at the expiration of the term for which he was sentenced, he may be retained until he has recovered or is otherwise legally discharged. The medical superintendent of the hospital may discharge and deliver any patient whose sentence has expired and who is still insane, but for whom it is safe to be at large, to his relatives or friends who are able and willing to maintain him without further public charge. When a convict recovers who has been retained in a hospital as insane beyond the expiration of his sentence, the superintendent may discharge him, and the convict is then entitled to the sum of ten dollars, suitable clothing and a railroad ticket to his county. Any convict whose term of imprisonment has expired and who has not recovered may be transferred to a state hospital on the order of the commission.

Transfer of criminal insane from state hospitals. 122.

The state hospital commission may order any insane inmate of a state hospital to be transferred to the Matteawan State Hospital, who has been committed upon the order of a court of criminal jurisdiction; it may also order such transfer of any person who has previously been sentenced to a term of imprisonment in any penal institution and who still manifests

criminal tendencies, or any patient who has previously been an inmate of the Matteawan State Hospital.

Dannemora hospital 140.

The Dannemora State Hospital is for male prisoners only who have been confined in state prisons, reformatories or penitentiaries for a felony.

Transfers of prisoners to the Dannemora hospital. 148.

When the physician of any one of the above mentioned penal institutions certifies to the warden that a male prisoner is insane, the warden must have him transferred to the Dannemora State Hospital, to be retained there until legally discharged.

Retention of insane convicts after the expiration of their terms. 149.

When a convict in the Dannemora State Hospital, whose term has expired, continues insane, the medical superintendent must apply to the judge of a court of record for the examination of the convict by two physicians qualified as medical examiners in lunacy, other than the physician of the hospital. If the examiners appointed by the court are satisfied that the convict is insane, they must certify to the fact in the manner prescribed for the commitment of insane to state hospitals. The judge, if satisfied that the convict continues insane, must order the superintendent to retain him until discharged as provided by law.

Discharge of insane convicts after expiration of terms. 150.

A convict whose sentence has expired and who is still insane, but who is reasonably safe to be at large may be discharged to relatives or friends able and willing comfortably to maintain him without further public expense; and such convict may be given the whole or a portion of the allowances granted to recovered convicts.

When a convict recovers who has been retained beyond the expiration of his sentence because of insanity, he may be discharged and is then entitled to $10, suitable clothing and transportation to the county of his conviction or other place he may designate at no greater distance.

Any unrecovered convict in the hospital whose term of imprisonment has expired may be transferred to any institution for the insane upon an order of the state hospital commission.

Communication with patients. 153.

Strict rules are established to prevent unauthorized communication with or by convict patients, but letters written by the latter to the county judge or district attorney of the county from which they were sentenced must be forwarded after examination by the medical superintendent.

NORTH CAROLINA

Authority:

Pell's Revisal of the Laws of North Carolina, 1908

1. Administration and Supervision

a. General. The board of public charities is composed of five members who are elected by the concurrent vote of the general assembly. The board must investigate and supervise the whole system of charitable and penal institutions of the state and report biennially to the general assembly. 3913. 3914. 3918.

When the board believes that any curable insane person is not properly cared for in an almshouse or other place, whether he is a public charge or not, it must have him removed to a state hospital for the insane. The board may at any time request reports from the superintendents or other officers of charitable institutions and any desired statistics. Private hospitals for the care of the insane must be licensed by the board and are subject to its inspection and supervision. 3919. 3920. 4600.

b. Institutional, administrative and supervisory agencies. Each hospital for the insane is under the management of a board of nine directors serving without pay, no two of whom may be residents of the same county, appointed by the governor for terms of six years. Each board appoints from its numbers an executive committee of three members to hold office for one year. Each board of directors directs and manages the affairs of its institution and is required to report to the general assembly. It appoints the superintendent and fixes the salaries of all officers and employees. The superintendent must be a skilled physician, of good moral character and holds office for six years, subject to removal by the board for cause. The superintendent has exclusive control of the subordinate officers and employees he appoints and may remove them for cause. 4547. 4548. 4549. 4567. 4561. 4562. 4564.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three hospitals, of which two are exclusively for the care and treatment of white insane and inebriates, and one (at Goldsboro) exclusively for the care and treatment of colored insane and 4542.

inebriates. One hospital has a department for the criminal insane, or the dangerous classes.

4601. *Local.* Any county, city or town may establish a hospital for the care of insane persons who can not be admitted to a state hospital. Otherwise such insane, when chargeable upon the county, may be provided for in the county homes which are under the control of the board of commissioners of each county.

3. COMMITMENT

4572. *a. Classes committed.* All insane persons, except idiots, who are citizens and residents of the state are entitled to admission to the state hospitals; but admission may be refused persons who recently have been exposed to contagious or infectious disease.

4575. *b. Legal procedure in commitment.* Some respectable citizen, residing in the county of the alleged insane person, must file an affidavit with a clerk of the superior court of the county that the person in question is a fit subject for admission

4577. to a state hospital. The clerk may then have the alleged insane person brought before him or go to his residence, and examine into the condition of his mind, with the assistance of the county physician and the advice of other reputable physicians. He must take the testimony of at least one recognized physician, resident of the state, and if possible, of a

4578. member of his family or friend. If the clerk decides that such person is insane, and some friend will not give bond guaranteeing his good behavior and to keep and support him until the cause for confinement ceases, the clerk must order his removal to the proper hospital, and submit to the board of

4580. directors the examination of the witnesses. In an emergency, the examination may be made by a justice of the peace, who is required to report to the clerk of the superior court. But the order for commitment must be issued by the clerk. In cases of great emergency, a justice may admit a patient to a hospital, but must procure an order from the clerk to the

4582. superintendent within thirty days. Whenever any citizen or resident of the state becomes suddenly or violently insane in some county other than that of his settlement, the proper authorities of any county in which he is have authority to

examine him, and to commit him to the hospital to which he would be sent had he been committed from the county of his own settlement. Transcripts of the proceedings in such cases must be sent to the clerk of the county in which he is settled, in order that all the costs of examination and commitment may be borne by the proper county. 4583.

If a citizen or resident of another state is found to be insane, the clerk of the superior court must notify the governor of the state in which the insane person is a citizen; and, for a reasonable length of time, the insane person must be kept in restraint, but must not be committed to any state hospital. If no provision is made by his own state for removal within a reasonable time, the county commissioners of the county in which he was found insane must send him to the state in which he is a citizen, and deliver him to the proper authorites. No person who has moved into the state while insane may be deemed a resident. Knowingly to commit a non-resident to a hospital for the insane is a misdemeanor. Non-resident insane, how dealt with. 4584.

When an alien is ascertained to be insane, the clerk of the superior court must immediately notify the governor of his state of all the facts and transmit a copy of the examination taken. This information and examination must thereupon be transmitted to the federal authorities with a request for the deportation of the insane person. Alien insane, how dealt with. 4585.

In the admission of patients to any state hospital, priority must be given to the indigent insane, with due regard to the curability of patients, and the exigencies of particular cases. It is permissible, however, to admit other than indigent patients if there be sufficient room. Indigent patients to have priority. 4573.

Provision is made for the voluntary commitment of patients. An application for voluntary commitment must be accompanied by the certificate of a licensed physician stating that the applicant is a fit subject for admission. No certificate of the clerk of the superior court is necessary. A voluntary patient is not entitled to a discharge until he has given the superintendent ten days' notice of his desire to be discharged. Voluntary commitment. 4593.

c. Appeal from commitment. Every person restrained of his liberty is entitled to an inquiry as to its lawfulness and to have the same removed if unlawful. 1819.

4555. *d. Cost of commitment.* The cost of committing a patient to a hospital or removing him must be paid by himself if the board of county commissioners are satisfied that he has sufficient property, or by any person liable for his support or maintenance, or by the county in which he has a legal settlement. If any person is found to possess sufficient property to support those who may be legally dependent upon his estate. he may be placed in any hospital without the state or in a private hospital, instead of in a state hospital; it is lawful to place him in the house he has chosen.

4. Conveying Patients to the Hospital

Sheriffs are charged with the duty of conveying insane patients to the hospital. They must ascertain in advance that the patient will be admitted, and see that he is free from contagious disease and provided with proper clothing.

5. Transfer of Patients

6. Parole and Discharge of Patients

4597. Each superintendent may, for the space of thirty days or until the next meeting of the board of directors, discharge any patient upon probation if, in his opinion, it will not be dangerous to do so. A report of any such probation must be made to the board of discharge.

4595. It is the duty of the board of county commissioners, by proper order, to discharge any ascertained insane person in their county, not admitted to the appropriate hospital, and not committed for crime, when it appears upon the certificate of two respectable physicians that such insane person ought to be

4596. discharged if in a hospital. If the superintendent of the hospital doubt the propriety of the admission of patients, he may place the matter before a board consisting of any three directors of the hospital. If such board so decide, the person in question shall be received into the hospital, but a like board may at any time thereafter discharge him to any friend who will become surety for his conduct, and proper care. Any three of the board of directors of a hospital may, upon the certification of the superintendent, discharge from the hospital any person admitted as insane, when he is found to be sane, or has recovered, or is an incurable who can safely be allowed

at liberty, or the board may release such a person to the county of his settlement on probation. The board may discharge or remove an insane person upon other sufficient causes.

7. Cost of Maintenance

Indigent insane patients are supported in hospitals at the expense of the state. An insane person, who is able to pay expenses, is not entitled to free admission, and the superintendent has no power to bind the state to support him.

8. Criminal Insane

All persons committing crime while insane, who therefore can not be tried for their offense, are to be treated as dangerous insane. When a person confined as dangerous insane and against whom indictment for crime is pending has recovered, it is the duty of the superintendent of the hospital to notify the clerk of the county, who shall take the case to the superior court of his county for trial, and the person must not be discharged without an order from the court. Persons accused of capital crimes and certain other grave offenses, who escape indictment or who are acquitted on the ground of insanity must be committed to the hospital for the dangerous insane. In the event of their recovery, it is the duty of the sheriff of the county from which they came to take them before the judge of the superior court of the district to be dealt with according to law. 4617. 4621. 4618.

No person acquitted of capital felony on the ground of insanity and committed to the hospital for the dangerous insane may be discharged except by authorization of the general assembly. A person acquitted of crime of a lower degree than a capital felony must not be discharged except upon an order from the governor. In other cases the consent to the discharge of the judge of the district is necessary. 4620.

When a person who has been confined in the state's prison for felonious murder, and who has been discharged at the expiration of his sentence, or as the result of executive clemency, thereafter so acts as to justify the belief that he is possessed of a homicidal mania, and is duly adjudged insane, the clerk of the superior court or other officer having jurisdiction of the proceedings may, in his discretion, commit him Laws of 1911, Chap. 169.

to the state hospital for the dangerous insane, or to one of the other state hospitals for the insane.

9. Admission of Inebriates

4607. Inebriates of both sexes may be admitted to hospitals for the insane, but not without pay; and not more than twelve of each sex. Inebriates are committed in the same manner as the insane, except that the admission of every inebriate is for a specified time, not exceeding twelve months and not less than three months. If at the end of the period of commitment it is considered that a longer confinement would be advantageous, the inebriate may be detained for a longer period, but in no case to exceed six months. If any inebriate while under treatment at a hospital is found to be insane, he must be detained and treated as any other insane person under order of the board of directors, due report having been made to the clerk of the proper county.

NORTH DAKOTA

Authorities:

Revised Codes of North Dakota, 1905
Laws of North Dakota, 1907, 1911

1. Administration and Supervision

a. General. North Dakota is without any state board having general supervision or control of charitable institutions.

The commissioners of insanity in each organized county are responsible for the safe-keeping of the insane in their respective counties.

b. Institutional, administrative and supervisory agencies. 1181.
The state hospital for the insane is under the management of a board of trustees consisting of five members, appointed by 1182.
the governor for the term of four years.

The board of trustees has the general control and management of the hospital and makes all by-laws and regulations necessary for its government, appoints a superintendent, who must be a physician of acknowledged skill and ability, a graduate of a reputable medical college, and when deemed necessary by the superintendent, appoints one or more assistant physicians, who must possess like skill and ability, also a steward and matron. Powers and duties of hospital trustees. 1189.

The superintendent of the hospital must give a bond to the state in the penal sum of $2,500, conditioned for the faithful discharge of the duties of his office, to be approved by the board. In addition to having the entire control of the medical, moral and dietetic treatment of the patients, he appoints all employees and assistants necessary for the institution except those mentioned in the preceding section, and may discharge any of these employees at will and suspend any resident officer of the hospital, except the steward, being responsible to the board for the proper exercise of this power. Duties of superintendent. 1191.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one hospital for the insane.

Local. The county commissioners, who are the overseers of the poor, must provide for the indigent insane of their

respective counties who can not be received at the hospital, and may care for them in the county asylum when one has been established.

3. Commitment

1909. *a. Classes committed.* All resident insane of the state, who are not idiots, are entitled to receive care and treatment at the state hospital. Residents of other states may be admitted Laws of 1907, 2. to the hospital upon payment of the first cost of board and treatment, but not to exclusion of resident insane.

Commissioners of insanity—their duties and powers. 1889. *b. Legal procedure in commitment.* In each organized county there is a board of commissioners consisting of three persons, known as "commissioners of insanity." The county judge is a member of the board and its chairman. The other two members are appointed by the board of county commissioners, one of whom must be a reputable practicing physician and the other a reputable practicing attorney, the term of appointment being for two years. In case of the temporary absence of such commissioners or their inability to act, the county judge calls to his aid a reputable practicing physician or attorney. The commissioners have cognizance of all applications for admission to the hospital. They have power to issue subpoenas and to administer oaths.

Applications for admission to hospital. 1893. Applications for admission to the hospital must be made in writing, verified by affidavit, alleging that the person in whose behalf the application is made is believed to be insane and a fit subject for custody and treatment in the hospital for the insane. The commissioners must at once investigate the grounds for the application and may require the person for whom admission is sought to be brought before them for examination. Any citizen of the county or any relative of the person alleged to be insane may appear and resist the application, and the parties may appear by counsel. The commissioners, whether they decide to dispense with the presence of the person alleged to be insane or not, must appoint some regular practicing physician of the county, who may be of their own number, to make a personal examination of him. The physician appointed must certify that he has made a careful personal examination, and that he finds the person in

question insane or not insane. In connection with the examination, the physician must endeavor to obtain from the relatives of the person in question, or from others, correct answers as far as may be to the interrogatories required by the law. If the commissioners find the person insane and a proper subject for treatment at the hospital, they must authorize the superintendent to receive him.

Preference in receiving patients. 1198.

If it becomes necessary, for want of room or other cause, to discriminate in the general reception of patients into the hospital, a selection must be made as follows: (1) cases of less than one year's duration; (2) chronic cases of more than one year's duration presenting the most favorable prospects for recovery; (3) those for whom application has been longest on file; (4) when cases are equally meritorious in all other respects, the indigent are to be preferred.

Disposition of insane persons when accommodations of hospital are insufficient. 1896.

When persons found to be insane can not at once be admitted to the hospital nor safely be allowed at liberty, the commissioners must require them to be suitably provided for otherwise until admission can be had, or until the occasion therefor no longer exists. If such a person is to be cared for without public charge, the commissioners must appoint a special custodian for him. In the case of public patients, the commissioners must require that they be cared for by the overseers of the poor. If there is no poorhouse for their reception, or no more suitable place can be found, they may be confined in the county jail; or the commissioners, in their discretion, may require them to be taken to the asylum of any state that may be designated by the governor, who is authorized to make the best terms he can with the authorities of any asylum in any state for the admission of such patients.

Insane persons cared for by county. 1897.

On application to the commissioners on behalf of persons alleged to be insane and whose admission to the hospital is not sought, asking that provision be made for their care as insane, either as public or private charges, within the county, the commissioners, on proof of their insanity, may provide for them as in other cases.

Insane not to be restrained of liberty except by proper authorities. 1899.

No person supposed to be insane may be restrained of his liberty by any other person except by authority obtained as herein required, save to such extent and for such brief period

as may be necessary for the safety of persons until proper authority can be had.

Disposition of non-resident insane. 1903.

Any person found by the commissioners of insanity to be insane who has no legal residence within this state must be sent, at the expense of the state, to the place where he belongs when it can be ascertained.

1904.

c. Appeal from commitment. On a statement in writing, verified by affidavit to the county judge of the county in which the hospital is situated or of the county in which any person confined in the hospital has his residence, alleging that a person is not insane and is unjustly deprived of his liberty, the judge must appoint a commission of not more than three persons to inquire into the merits of the case, one of whom must be a physician; and if two or more are appointed, one must be an attorney. Their report to the county judge must be signed by the superintendent. If, on their report, the county judge finds the person sane, he must order his discharge; if not, he must authorize his continued detention. The commis-

1905.

sion so provided for may not be repeated oftener than once in six months for the same person, and no commission may be appointed in the case of any patient within six months of the time of his admission.

Insane persons entitled to habeas corpus. 1906.

All persons confined as insane are entitled to the benefit of the writ of habeas corpus. If the judge decides that a person is insane, this is no bar to the issuance of the writ a second time whenever it is alleged that he has been restored to reason.

d. Cost of commitment. The expense of committing an insane person to the hospital, including the fees to the commissioners of insanity, the judge and the examining physician, is paid out of the county treasury; but the fee and expenses of the sheriff for conveying a patient to the hospital, or to the authorities of another state, are paid out of the state treasury.

4. Conveying Patients to the Hospital

The sheriff of the county has the duty of conveying insane persons to the hospital. If neither the sheriff nor his deputy is available, the commissioners may appoint some other suitable person to execute the warrant. A female taken to the hos-

pital must be attended by some other female or some relative. The superintendent, in his acknowledgement of delivery, must state whether there was any such person in attendance. If any relative or intimate friend of the patient, who is a suitable person, requests it, he has the privilege of executing the commissioners' warrant in preference to the sheriff or any other person.

5. Transfer of Patients

Insane persons who have been under care, outside of the hospital, may on application be transferred to the hospital whenever they can be admitted thereto, on the warrant of the commissioners. Such admission may be had within six months without another inquest, unless the commissioners deem a further inquest advisable. 1901.

6. Parole and Discharge of Patients

Any patient who is cured must immediately be discharged by the superintendent and be furnished with suitable clothing and a sum of money not exceeding $20, which shall be charged to the expenses of the patient in the hospital. The relatives of any patient not susceptible of cure and not dangerous to be at large have the right to remove him with consent of the board of trustees. On application of the relatives or immediate friends of any patient in the hospital who is not cured and who can not safely be allowed to go at liberty, the commissioners of insanity of the county where such patient belongs may authorize his discharge and provide for his care within the county. No patient who is under charge or conviction of homicide may be discharged without order of the board of trustees. When a patient is discharged from the hospital, without application, notice must at once be sent to the commissioners of insanity of the county where he belongs, who must have him removed and cared for in the county, as in other cases, unless the patient is discharged as cured. And if the commissioners of insanity of such county neglect to remove such patient within thirty days from the date of the order of discharge, the county is liable to the state for the sum of $2 per day for the care and keeping of the patient at the hospital. The superintendent of the hospital must 1200. 1201. 1202.

report annually all such delinquencies and the time of any patient kept beyond the period of thirty days to the governor. The amount thus reported is charged to each county named and made a part of the tax levied against the county.

7. Cost of Maintenance

Laws of 1907, Chap. 137, 4. The expense for the care, board and treatment of all patients in the state hospital for the insane is a charge upon each county sending them.

5. The superintendent must furnish the county auditor of each county having patients in the state hospital for the insane a quarterly statement giving the number of patients and the names of each belonging to the county and the cost of his maintenance.

6. When notified that a patient sent from one county has a legal residence in another, the superintendent must hold and keep him at the expense of the latter county, including expense already incurred and unadjusted.

7. Expense incurred by one county on account of insane persons whose legal residence is in another county must be refunded by the county of the residence.

12. When the county commissioners of a county make claim that a patient is not a proper charge against their county, and so notify the state auditor stating that he is a charge against some other county, or against the state at large, the state auditor must notify the county auditors of each of the counties in question to file proofs within thirty days, and after investigation of the residence of the patient to determine the matter. The superintendent of the hospital must thereafter treat the patient as from the county determined by the state auditor, and if he finds that the patient is not a proper charge against any county in the state, he must be regarded as a charge against the state at large.

13. Any county may appeal from the determination of the state auditor to the district court of the county.

15. The expense incurred by any county for the maintenance of patients at the state hospital is a charge against his estate; provided, that he has no heirs within the United States dependent on the estate for support; and provided, that no real property may be sold during the life of the insane person

nor any personal property under five years from the date of sending the patient to the hospital, unless by order of the proper court when the property is liable to deteriorate in value. When it is sold, the county court must order the proceeds to be safely invested for the benefit of the insane person.

8. Criminal Insane

When any person confined in the penitentiary or reform school has become insane during such confinement, the governor must make inquiry, and if he determines that the person has become and is insane, he must order him to be confined and treated in the state hospital for the insane, and that upon his recovery, if before the expiration of the term for which he is committed, he be returned to the penal institution from which he was taken. 10410.

The superintendent of the hospital must notify the warden or superintendent of the recovery of a person transferred as provided, and the warden or superintendent must, if the term of sentence of the person has not expired ,return him to the proper custody. If the term of his commitment has expired at the time of recovery, the warden or superintendent may direct that he be released from further custody by the superintendent of said hospital. 10411.

If the jury finds that the defendant in a criminal case is insane, the trial or judgment must be suspended until he becomes sane, and the court must, in the meantime, order him committed to the state hospital for the insane by the sheriff and re-delivered to the sheriff upon becoming sane, to stand trial or judgment or is discharged. 10412.

When a jury returns a verdict acquitting a defendant upon the grounds of insanity, the court may, if the defendant is in custody, and it deems his discharge dangerous to the public safety, order him to be committed to the state hospital for the insane, or to the care of such person or persons as the court may direct until he becomes sane. 8547.

OHIO

Authorities:

General Code of Ohio, 1910

Laws of Ohio, 1911

1. Administration and Supervision

Code 1910, 1349. *a. General.* The board of state charities is composed of seven members, six of whom are appointed by the governor for terms of three years. The governor is ex-officio a member of the board. No more than three of the appointed members 1352. may belong to the same political party. The board must investigate the condition and management of all public benevolent and correctional institutions, both state and local. Officers in charge of such institutions must furnish the board the information it requires. The board may prescribe forms of 1353. reports and of registration. All plans for new state, county and city institutions must be submitted to the board for its 1354. approval. The governor may order the board to investigate Laws of 1911, House Bill, 201. 1815-3. the management of any institution. The board has an agent whose duty it is to investigate the financial condition of the inmates of the institutions and of the relatives liable for their support and is given special powers to that end. The board has authority to take depositions, administer oaths and punish Code 1910, 1358. for contempt. The board must make a biennial report to the governor.

Committee of visitors. 1828. The governor appoints annually a committee consisting of six women to visit the benevolent and correctional institu- 1829. tions of the state. The committee must visit the institutions at least twice a year and make a complete report of their observations and conclusions to the board of state charities.

b. Institutional, administrative and supervisory agencies.

Laws of 1911, House Bill, 146, 2-4. All the state charitable and correctional institutions (including the state hospitals for the insane) are managed and governed by the Ohio Board of Administration. The board is composed of four members, not more than two of whom may belong to the same political party, appointed by the governor for terms of four years, and subject to removal by him for cause. Failure on the part of a member to attend three con-

secutive meetings of the board unless excused by formal vote may be treated by the governor as his resignation.

The members must be selected with regard to knowledge or experience regarding the care and treatment at the institutions and regarding business management. Each member receives a salary of $5,000 per annum and must devote all his time to the duties of his position. The board appoints its secretary and a fiscal supervisor. The board has all power and authority necessary for the exercise of the executive, administrative and fiscal supervision of all state institutions and succeeds in all respects the former boards of trustees and boards of managers. 5. 7-8.

The board has power to regulate the admission and discharge of inmates, as provided by law, and assumes some of the duties formerly devolving upon the board of state charities, among which is the division of the state into hospital districts for the purpose of regulating the admission of insane patients and to fix the quota to which each county is entitled. 10.

Each state hospital for the insane is under the executive control of a superintendent, appointed by the board for a term of four years, who is removable by it and subject to its rules and regulations. The superintendent selects the employees, and has power to remove them, but not more than ten per cent of the officers and employees of any institution may be appointed from the same county. The board fixes all salaries. 11.

The act contains prescriptions in detail concerning the books and accounts to be kept, the general business management of the institution, etc., the purchase of supplies by competitive bids, estimates of supplies, surety bonds for all employees, the employment of architects and engineers, the records to be kept of inmates of institutions, the duties of the fiscal supervisor, the auditing of accounts, the duties of the treasurer, appropriation, etc. 12-26. 28-32.

A member of the board must visit each hospital at least once a month and report to the next meeting of the board. 27.

In making necessary investigations, the board is given the powers of a justice of the peace to administer oaths, etc. 34.

31. The board is required to make an annual report in detail to the governor.

32. The board must make rules and regulations to insure a strictly non-partisan management and any member of the board, officer or employee of any institution, may be removed for exercising political influence and for seeking the employment or promotion of any person at any institution.

Code, 1910, 2004. The Longview Hospital (a county institution, although under state supervision and receiving state appropriation) is

2005. under a board of five directors all of whom must be residents of Hamilton county. Two are appointed by the governor, one by the judges of the court of common pleas, one by the judge of the probate court, and one by the commissioners of Hamilton county. Each of the directors holds office for five years. The powers and duties of the board are similar to those of the state board of administration so far as the general government of this institution is concerned.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains six general hospitals for the insane and is building a special hospital for the dangerous and criminal insane.

Local. The Longview Hospital is maintained for the benefit of residents of Hamilton county and supported in part at the expense of the county. Very few insane are maintained at the almshouses or infirmaries.

Detention hospitals, 3154. On the request of the probate judge the county commissioners of the county may establish a detention hospital for alleged insane persons in proximity to the probate court, under charge of a registered physician as superintendent, to be appointed by the probate judge. Other necessary assistants are appointed by the superintendent. In counties where a municipality owns a hospital, the county commissioners may contract with it for the temporary care of alleged insane persons.

3. Commitment

1950. *a. Classes committed.* All insane persons, not feeble-minded or epileptics, who are residents of the state may be admitted to the state hospitals provided their insanity occurred during

1817. their residence in the state. Non-residents may be received

when authorized by the board of state charities, if the legal residence of the person can not be ascertained or other peculiar circumstances afford a sufficient reason.

If it is found that the person whose commitment is requested has not a legal residence or the residence is in doubt, and the judge of probate believes that the person should be committed to a hospital, he must notify the board of administration to investigate the matter. 1819.

The medical superintendent of each state hospital must inform the probate judge of the different counties of the hospital district of the quota of patients to which the county is entitled and the number in the hospital therefrom. The probate judge may at any time commit an acute case if the quota is not full. 1951.

Voluntary commitment.

A person in an incipient stage of mental derangement may apply for admission to the state hospital in the district in which he resides. The superintendent of the hospital may receive the applicant for not more than sixty days if, upon his own examination and the statement of a reputable physician familiar with his condition, he is satisfied that the applicant is in need of hospital treatment and will be benefited by it. The applicant must be an inhabitant of the state and must sign an application in the form prescribed by the superintendent. No hospital may care for more than five voluntary patients at one time, nor may voluntary patients be admitted when the quota for the county is full. 1972. 1973. 1974.

b. Legal procedure in commitment. A resident citizen of the proper county must file with the probate judge of the county an affidavit in prescribed form alleging the insanity of the person and that he is dangerous to the community if allowed at large and stating his legal settlement. Within five days after the affidavit is filed, the probate judge must issue a warrant for the apprehension of the alleged insane person, fix a day for the hearing, and summon witnesses, two of whom must be reputable physicians. If any person resists the affidavit, the judge must subpoena the persons demanded on behalf of the person alleged to be insane. The probate judge may examine the person out of court if it is deemed inadvisable to bring him into the court, and the proceedings 1953. 1954. 1955.

1956. required may then be held in his absence. After hearing all the testimony and being satisfied that the person is insane, the judge must cause a certificate to be made by two medical witnesses of the person's insanity. The medical witnesses must have at least five years' experience in the practice of medicine and not be related by blood or marriage to the person alleged to be insane or to the person making the application. The medical certificate must be in the form prescribed by the state board of charities with the advice of the superin-
1958. tendents of the several hospitals. Upon receiving the medical certificate, the probate judge must at once apply to the superintendent of the hospital situated in the district in which the patient resides, transmitting at the same time all the papers in the case. The superintendent must immediately state whether the patient can be admitted. The proceedings for commitment to the Longview Hospital of Hamilton County are of the same character.

1961. The relatives of a person charged with insanity, or found to be insane, may take charge of him if they desire to do so. In such a case, the probate judge before whom the inquest has been held must deliver the insane person to them.

1975. When a person is discharged from a hospital as cured and again becomes insane, the same proceedings must be had as in the case of the original application before he can be again admitted to a hospital for the insane.

1976. *c. Appeal from commitment.* All persons confined as insane are entitled to the benefit of the writ of habeas corpus, and the question of insanity must be decided at the hearing. If the judge finds the person insane, the decision is no bar to the issuing of the writ a second time if it is alleged that the person has been restored to reason.

1981. *d. Cost of commitment.* All expenses connected with inquests of insanity, making records, conveying patients, etc., are a charge upon the county from which the patient was committed.

4. Conveying Patients to the Hospital

1959. It is the duty of the sheriff to convey patients to the hospitals upon the order of the probate judge. If the insane person is a female, a suitable female assistant must be ap-

pointed to accompany the sheriff and the insane person to the hospital.

5. Transfer of Patients

If a hospital can not accommodate the patients of the district to which it is attached, or if the interests of a patient make a transfer advisable, the board of state charities, may, with the consent of the superintendents interested, order the transfer of patients to the hospital of either of the other districts which at the time has room for such patients. Transfers made at the request of relatives or friends are at their expense, but all other transfers are at the expense of the hospital from which made. 1952.

6. Parole and Discharge of Patients

When the superintendent deems it for the best interest of a patient who has no homicidal or suicidal propensities, he may permit him to leave the institution on a trial visit for not more than 90 days. The patient may be returned at any time within this period without further legal proceedings. 1968.

With the consent and advice of the board of administration, the superintendent may discharge any patient from the state hospital when he deems it proper and necessary, except patients of homicidal or suicidal tendencies. If the condition of the patient justifies it, he may be permitted to leave the institution unattended. 1964.

In case the patient requires an escort, the superintendent must notify the probate court of the county of which the patient is an inhabitant, who must issue a warrant to a suitable person, giving the friends of patients the preference, for the removal of the patient to his home. 1966.

When a patient is discharged as cured, the superintendent must furnish him with suitable clothing and a sufficient sum of money, not exceeding $20 for traveling expenses. 1971.

If the friends of a patient ask his discharge, the hospital superintendent may require a bond, conditioned for the safekeeping of the patient. No patient charged with or convicted of homicide may be discharged without the consent of the superintendent and board of administration. 1979.

7. Cost of Maintenance

1815. All indigent persons who are inmates of hospitals for the insane are maintained at the expense of the state.

Laws of 1911, House Bill, 201, 1815-1. The probate judge committing any person to a hospital for the insane must certify to the superintendent the name and address of the guardian if any is appointed and of relatives who are liable for the person's support.

1815-9. A husband is liable for the support of a wife, a wife for a husband, parents for their children and children for their parents.

1815-6. Superintendents of hospitals must submit to the board of state charities the information they may obtain in regard to the financial condition of any inmate or of relatives liable for his support.

1815-7. If the estate of any inmate is sufficient for his support without hardship to any dependents, and no guardian has been appointed, the agent of the board of state charities must petition the probate court to appoint a guardian.

8. Criminal Insane

1985. To the hospital for the dangerous and criminal insane are committed:* Persons who became insane while in the state reformatory or the penitentiary; dangerous insane persons in either of the hospitals; persons accused of crime but not indicted because of insanity; persons indicted but found to be insane; persons acquitted because of insanity; persons adjudged to be insane who were previously convicted of crime.

2003. When in an inquest of lunacy a probate judge finds a person insane who has previously been convicted of arson, assault, rape, robbery, burglary, homicide or attempt to commit such acts, he must commit him to the Lima State Hospital (for the dangerous and criminal insane).

2216. When the physician of the penitentiary or reformatory reports in writing to the warden that a convict is insane, the warden must apply to the probate court of the county in which the institution is located for an examination of the convict by two physicians of at least three years' practice in the state who are not connected with the penitentiary or reformatory.

* This institution, the Lima State Hospital, is not yet completed.

If satisfied that the convict is insane, the physicians must certify this in the form and manner provided for the commitment of insane persons to state hospitals. Convicts thus adjudged insane must be transferred to the Lima State Hospital (when it is ready). An insane convict under indeterminate sentence, who is transferred to the Lima State Hospital, must be detained for the maximum term of sentence provided by law for the offense for which he is convicted, unless sooner restored to reason. When restored to reason, and the superintendent of the hospital so certifies, a convict whose term of sentence has not expired must be transferred to the penitentiary or reformatory from which he came. 2217. 2220. 2221.

If the insanity of a convict in a hospital continues at the expiration of his sentence, the superintendent must apply to the probate judge of the county within five days after the expiration of the sentence for an order to retain the convict until he is restored to reason and notify friends or relatives of the application. The probate judge must notify the alleged insane person and call two physicians not related by blood or marriage to him, who have been in actual practice of their profession for at least three years. If the judge finds satisfactory proof of insanity has been adduced, he must order the retention of the convict until restored to soundness of mind. The form of commitment is substantially that required for the commitment of inmates to other hospitals. 1995. 1996.

The superintendent may discharge patients not under sentence for crime who are recovered, or who are not recovered but whose condition is so far improved that their discharge will not be detrimental to the public welfare or to themselves. 1998.

OKLAHOMA

Authorities:

Constitution of Oklahoma

Compiled Laws of Oklahoma, 1909

1. Administration and Supervision

Constitution, 27, 28.

a. General. A commissioner of charities and corrections is elected in the same manner and for the same term as the governor. This officer may be of either sex, must be at least 25 years of age, and in all other respects have the qualifications required of the governor. The commission must investigate the condition and management of all charitable and correctional institutions which are supported wholly or in part by the state or by any county or municipality. The officers of such institutions are obliged to furnish all the information which the commissioner may demand. The commissioner reports to the governor and the legislature.

b. Institutional, administrative and supervisory agencies.

8443. The state hospitals for the insane are under the management of boards of trustees consisting of three members each, who are appointed by the governor for terms of three years.

8467. The trustees have the general direction of the affairs of the hospitals, make and enforce the necessary rules and regulations for their government, and in the instance of two of the

8449. hospitals appoint the superintendent, while for the third this official is appointed by the governor for a term of four years. The trustees have the power to remove officers and employees.

8474. The superintendents are required to be skilled physicians who have been in practice for a specified time.

2. Provisions for the Care of the Insane

8442. *In institutions—State.* The state maintains three hospitals for the insane. Separate accommodations are furnished for white and colored patients.

Local

Insane persons, who can not be received into the hospitals or for other reasons are not sent there, may be cared for in the county asylums by the county commissioners who have the same in charge and are the overseers of the poor.

3. Commitment

a. Classes committed. All insane persons, not idiots, with a legal residence in the state, are entitled to admission to the state hospitals for the insane. Insane convicts must also be received. Insane persons who are not residents of the state may be received under such rules as the trustees may establish; but resident insane shall have preference. 3720. 8480.

b. Legal procedure in commitment. Each organized county has a board consisting of three persons, to be styled commissioners of insanity. The county judge is a member of the board and its chairman. The other two members are appointed by the county commissioners, one of whom must be a respectable practicing physician and the other a respectable practicing attorney. The chairman of the board issues all notices, warrants, subpoenas, and must file and preserve in his office all papers connected with any inquest by the commissioners. The commissioners have cognizance of all applications for admission to the hospital or for the safe-keeping otherwise of insane persons within their respective counties, except in cases otherwise specially provided for. They have power to issue subpoenas and compel obedience thereto, to administer oaths and do any act of court necessary and proper. Commission of insanity. 3701. 3703. 3704.

Application for admission to a hospital must be made in writing in the nature of an information verified by affidavit, alleging that the person on whose behalf the application is made is believed to be insane and a fit subject for custody and treatment in a hospital; that he is found in the county and has a legal settlement therein; and if such settlement is not in the county, where it is. The commissioners must at once investigate the grounds of the informant, and may require that the person for whom admission is sought be brought before them and examined. They may provide for his custody until their investigation is concluded. Or they may dispense with the presence of the person if it seems best. Any citizen of the county, or any relative of the person alleged to be insane may resist the application, and the parties may appear by counsel if they elect. The commissioners must appoint some regular practicing physician of the county to make a personal examination of the person alleged to be insane. The physician 3705. 3706.

may or may not be of their own number. He must certify that he has made a careful personal examination, and that he finds the person in question insane, or not insane. He must endeavor to obtain from the relatives of the person in question, or from others who know the facts, correct answers to the prescribed interrogations, which with the answers must be attached to his certificate. On the return of the physician's certificate, the commissioners must find whether the person alleged to be insane is insane; and whether, if insane, a fit subject for treatment and custody in the hospital; whether the legal settlement of such person is in their county, and if not in their county, where it is. If they find such person insane, they must issue their warrant authorizing the superintendent of the hospital to receive the person as a patient.

3707.

Disposition when hospital accommodations are insufficient. 3708.

When patients can not at once be admitted to a hospital and can not with safety be allowed to go at liberty, the commissioners must require them to be suitably provided for otherwise until admission can be had, or until the occasion therefor no longer exists. Such patients are treated as private patients when relatives or friends obligate themselves to take care and provide for them without public charge. In this case the commissioners must appoint some suitable person a special custodian, with authority and the duty to restrain, protect and care for the patient. In the case of public patients, the commissioners must require them to be restrained, protected and cared for by the commissioners of the county or overseers of the poor, at the expense of the county. If there is no poorhouse for their reception, or if no more suitable place can be found, they may be confined in the county jail in charge of the sheriff. Or the commissioners may require that such patients be taken to the asylum of any state designated by the governor, who is authorized and empowered to make the best terms he can with the authorities of any asylum in any state for the admission of such patients.

Insane person cared for by county. 3709.

On application to the commissioners, on behalf of persons alleged to be insane, and whose admission to the hospital is not sought, asking that provision be made for their care as insane, either public or private within the county, and on proof of their insanity and need of care, the commissioners

may provide for them as in the case of other applications. On information that an insane person in the county is suffering for want of proper care, the commissioners must at once inquire into the matter and make all needful provision for his care.

c. Appeal from commitment. On a statement verified by affidavit addressed to the county judge of the county in which the hospital is situated, or of the county in which any certain person confined in the hospital has his legal settlement, alleging that he is not insane, the judge must appoint a commission of not more than three persons to inquire into the case, one of whom must be a physician, and if two or more are appointed, another must be an attorney. They must have a personal interview with the person alleged not to be insane and report to the county judge. Their report must be accompanied by a statement of the case and signed by the superintendent. If the county judge finds the person not insane, he must order his discharge; if not, he must authorize his continued detention. The commission provided for may not be repeated oftener than once in six months in regard to the same patient, nor may a commission be appointed in the case of any patient within six months of the time of his admission. 3715. 3716.

All persons confined as insane are entitled to the benefit of the writ of habeas corpus, and the question of insanity must be decided at a hearing. If the judge or court decides that the person is insane, this decision is no bar to the issuance of the writ a second time, whenever it is alleged that he has been restored to reason. Insane persons entitled to habeas corpus. 3717.

d. Cost of commitment. The expenses attending the commitment of an insane person, including the compensation to officials, are paid out of the county treasury, but the allowance to the sheriff and his expenses are a charge upon the state treasury.

4. Conveying Patients to the Hospital

The sheriff of the county executes the warrant of the commissioners of insanity directing the transportation of a patient to the hospital, or the commissioners may appoint some other suitable person to execute it. No female patient may be taken to the hospital without the attendance of some other female, 3707.

or some relative. If any relative or intimate friend of the patient, who is suitable, requests it, he has the privilege of executing the warrant, in preference to the sheriff or any other person.

5. Transfer of Patients

3713. Insane persons who have been under care, either as public or private patients, outside of the hospital, may on application to the commissioners of insanity be transferred to the hospital whenever they can be admitted thereto, on their warrant. The admission may be had without another inquest at any time within six months after the inquest already had, unless the commissioners deem further inquest advisable.

6. Parole and Discharge of Patients

8480. Insane persons received into the hospital must, upon recovery, be discharged therefrom, but always upon the recommendation of the superintendent.

7. Cost of Maintenance

8. Criminal Insane

8480. Insane convicts must be provided for in the hospital and returned to the penitentiary upon recovery unless their terms of sentence have expired.

OREGON

Authority:

Lord's Oregon Laws, 1910

1. Administration and Supervision

a. General. There is no state board having general control or supervision of the insane in the state.

b. Institutional, administrative and supervisory agencies. The state asylum for the insane is under the general government of a board of trustees, consisting of the governor, the secretary of state and the state treasurer. 4427.

The trustees have general power to administer the affairs of the asylum and to adopt by-laws for its government. They appoint all officers and employees, prescribe their duties, and may remove them for cause. The records of their proceedings must be open at all times to the inspection of any citizen. They must hold meetings monthly, visit the asylum once in three months, and make biennial reports to the legislature. Powers and duties of the trustees. 4427.

The trustees appoint a medical superintendent for a term of four years, and on his nomination, one or two assistant physicians, and other officers, each of them to hold office for four years. The superintendent must be a well-educated physician, a regular graduate in medicine, who has practiced at least five years. The assistant physicians must be regular graduates in medicine. Medical superintendent and assistants. 4428.

The superintendent may discharge any employee or assistant for violation of the laws or rules of the asylum, subject to the approval of the trustees. 4431.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one asylum for the insane, with a branch institution under the management of the same board. 4447. 4449.

Local. The indigent insane who can not be admitted to or kept at the state asylum are under the supervision of the county courts, who have the exclusive superintendence of the poor in their respective counties, and who may provide for them in almshouses.

3. Commitment

4435. *a. Classes committed.* All insane persons and idiots, residents of the state, are entitled to admission to the state asylum. If they have friends who desire to provide for their safe-keeping and medical treatment, they must not be sent to the asylum.

4435. *b. Legal procedure in commitment.* The county judge of any county in the state, upon application of any citizen in writing stating that any person or persons by reason of insanity or idiocy is suffering from neglect, or is unsafe to be at large, or is suffering from mental derangement, must cause such person to be brought before him for a hearing, summoning at the same time one or more competent physicians to examine the person alleged to be insane or idiotic. If the physician or physicians, after careful examination, certify upon oath that the person is insane or idiotic, the judge upon approving their findings, must provide for the safe-keeping of the person and cause him to be conveyed to the insane asylum. In case of the inability of the county judge to act, any justice of the peace of the county when notified by the sheriff to act must
4436. exercise the power conferred upon the county judge. When a person is adjudged insane, the county judge must make a warrant reciting his findings, the cause of insanity, the name, age, nativity, and present residence of the patient. The warrant is recorded in the findings of the court and a copy sent with the patient to the superintendent of the asylum and another to the secretary of state.

4435. *c. Appeal from commitment.* An appeal lies from the county court in insanity cases and in the same manner as provided for appeals from the county court in other cases.

4439. *d. Cost of commitment.* The cost of examination and committal is to be paid by the county in which the examination was made; but the cost of transporting patients to the asylum is borne by the state.

4. Conveying Patients to the Hospital

4437. The person committed, together with the warrant of the judge and certificate of the physician, must be delivered to the sheriff of the county, and by him to the agent appointed by the medical superintendent to convey the insane person to

the asylum. No female insane or idiotic person may be conveyed to the insane asylum without at least one female attendant. 4435.

5. Transfer of Patients

6. Parole and Discharge of Patients

The superintendent must discharge patients who, in his opinion, have permanently recovered their reason, and such other patients as the best interests of the state and the institution require. 4431.

In case of the discharge or death of any person committed to the insane asylum, the superintendent must at once notify the county court of the county from which the person was committed of the discharge or death, and the date and cause thereof. The county court must enter in the journal of insane commitments an order showing such discharge or death. If the superintendent of the asylum reports any person discharged as cured, the entry of the order is *prima facie* evidence of the removal of all legal disability arising from an adjudication of insanity. 4444. 4445. 4446.

7. Cost of Maintenance

Indigent insane are cared for at the asylum at the expense of the state.

At the time a person is committed to the insane asylum, the county judge must determine whether he, his parents, children, or guardian, are able to pay the state for his maintenance during the time he is an inmate of the insane asylum; and if the county judge determines that the patient, his parents, children or guardian are able to do so, he must make an order to that effect and state in his warrant of finding, the name and residence of the parent or parents, child or children, or guardian, liable for the maintenance of the person committed. The person or persons so designated must pay to the state treasurer the sum of $10 per month, or *pro rata* for any less period. In case of failure to pay the amount due within thirty days, the prosecuting attorney of the district in which the county is situated from which the person was committed must, upon notice from the state treasurer, pro- 4440.

ceed to collect the amount due from the parent or parents, child or children, or guardian.

8. Criminal Insane

4442. Whenever any convict confined in the state prison, in the opinion of the prison physician is insane or idiotic, he must file a sworn statement with the governor, who must summon one or more of the physicians of the insane asylum to examine the convict. If the physician reports the convict to be insane or idiotic, the governor is authorized to order his transfer to the state insane asylum for treatment. The governor may, however, at any time cause such convict to be transferred back to the state prison.

PENNSYLVANIA

Authorities:

Pepper and Lewis' Digest of the Laws of Pennsylvania, 1907
Laws of Pennsylvania, 1911

1. Administration and Supervision

a. General. The general supervision over all hospitals and institutions for the care and treatment of the insane is entrusted to the board of public charities through its committee on lunacy. This committee consists of five members who are appointed by the governor for terms of five years and one of them must be a member of the bar of at least ten years' standing, and one a practicing physician of at least ten years' standing. The committee on lunacy must examine personally or through its secretary and report annually to the whole board the condition of the insane in the state, and the management of hospitals, public and private almshouses, and all other places where insane are cared for and treated. The committee, with the consent of the chief justice of the supreme court and the attorney general, has authority to license all places in which insane persons are cared for, except prisons and state hospitals. It is a misdemeanor to conduct an institution for the insane without a license, or when a license has been suspended. The committee makes all regulations for the proper treatment of insane, for the commitment of the insane, and the forms to be observed in regard to the commitment and transfer of custody and discharge of patients other than those committed by the order of a court of record. It furthermore regulates the number of persons that may be detained, the accommodations to be provided, and all other things pertaining to the management and control of institutions for the care or detention of the insane. The board and the committee on lunacy make annual reports. Page 4753. 136. 138. 137. 139. 140. 141 (1). 145. 141 (2). 141 (7).

For each county in which there is a hospital or place where insane persons are kept, a board of visitors, consisting of not less than three persons, must be appointed by the board of public charities. Board of visitors. 142.

b. Institutional, administrative and supervisory agencies. The state hospitals are under the direction and control of Pages 4710-4738.

boards of trustees or managers that vary somewhat in composition, but generally consist of nine members, appointed by the governor for terms of three years. The boards have general control of the affairs of the hospitals and appoint the superintendents who must be skillful physicians and are subject to removal or re-election not oftener than once in ten years, except for breach of trust. The superintendents appoint and control all subordinate officers.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains six general hospitals for the insane, and one hospital for the criminal insane. Classification of the insane by institutions is provided for.

Local. Several counties and cities maintain their own institutions for the insane in connection with the county homes or as separate hospitals under the supervision of the directors of the poor of the county or the municipal authorities, as the case may be.

Psychopathic wards. Laws of 1911, Chap. 855, I.

Hospitals, maintaining medical and surgical staffs, in which courses of lectures in mental diseases are open to medical students may, with the consent of the board of public charities, maintain psychopathic wards for the reception and treatment of persons suffering with mental disorders.

Employment of the insane. Page 4768. 183.

Provision is made for the employment of the insane confined in institutions, wholly or in part maintained by the state, and for the distribution of the supplies, manufactured articles, goods and products made in any state institution for the care of the insane, feeble-minded and epileptic.

3. Commitment

a. Classes committed. All insane persons are entitled to admission to the state hospitals for the insane or to county or city asylums where such are maintained. Pay patients may be received, but indigent insane shall have preference.

124. *b. Legal procedure in commitment.* On statement in writing to a judge in the common pleas or quarter sessions of any respectable person that a person is insane, and that the welfare of himself or of others requires his restraint, the court must immediately appoint a commission to inquire into

the facts of the case. This commission must be composed of three persons, one of whom at least shall be a physician and another a lawyer. They hear evidence and the statements of the party complained of, or of his counsel, and if, in their opinion, it is a suitable case for confinement, the judge must issue his warrant for such disposition of the insane person as will secure the object of the measure.

If it is made to appear to any law judge that an insane person is suffering from the want of proper care or treatment, he must order him placed in some hospital for the insane, at the expense of those who are legally bound to maintain him, but no such order may be made without due notice to the persons to be affected thereby, and the hearing had thereon. 129.

No person may be received as a patient in any institution for the insane without a certificate signed by at least two resident physicians who have been in actual practice for at least five years, both of whom must certify that they have examined separately the person alleged to be insane, and that he requires care and treatment in a hospital or other establishment for the insane. The certificate, duly attested under oath, before a judge of the county certifying to the standing and good repute of the signers, must have been made within a week of the examination of the patient, and within two weeks of the time of the admission of the patient. No person alleged to be insane may be received into any house for treatment or detention unless at the time of his reception the person or persons at whose instance commitment is made states in writing that in their belief the detention is necessary and for the benefit of the insane person. Page 4741. 103. 104. 105.

The law prescribes in detail the facts concerning insane persons which must be made known at the time of admission to the superintendent who receives him. Within twenty-four hours after the reception of a person in any hospital, these facts must be entered in a book kept for that purpose. The regular medical attendant must then examine the patient and reduce the results of the examination to writing. 108.

When a person is found by inquisition to be insane, the committee of the person or of the estate, and also the clerk of the court in which the inquisition has been returned, must 134.

send to the committee on lunacy a statement signed by the committee of the lunatic, giving his name, age, sex and residence. The committee on lunacy may visit and examine the lunatic and is authorized to apply to any court, having jurisdiction over the committee, or to a judge of a court of common pleas of the county in which the lunatic is a resident or detained, to make such orders for his maintenance and for the care and disposition of his property as the case may require.

Discharge by medical attendant. Page 4744, 109.

In case the medical attendant is of opinion that detention is not necessary for the benefit of the patient, he must notify those at whose instance the patient is detained, and unless satisfactory proof to the contrary is forthcoming within seven days, the patient must be discharged.

Report on patients to committee on lunacy. 111.

The medical attendants of hospitals are required to report to the committee on lunacy, within seven days from the time of the reception of the patient, the statements given at the time of the reception of the patient, and the results of the examination. At least once in six months, a report must be made on the condition of every patient.

When hospital authorities not liable. 133.

The managers and officers of a hospital for the insane are not liable to the penalties imposed by the law in case of receiving for detention an insane person without complying with the legal requirements, if the judge trying the cause certifies that the officers and managers had good reason to believe that the reception and detention were necessary for the safety of the insane person.

Temporary commitment. Laws of 1911, Chap. 855, 2.

Persons suffering from mental disorders may be committed for not more than thirty days to the psychopathic wards of hospitals for observation and treatment in the same manner as persons are committed to hospitals for the insane. The courts before whom persons charged with offenses are brought for examination or trial may in like manner commit them to psychopathic wards for observation and diagnosis. But persons admitted to these wards who are found insane must be regularly committed and removed to a hospital for the insane within thirty days.

Voluntary commitment. 117.

Persons who are threatened with mental disorders and voluntarily place themselves in institutions for the insane may

be received for a period of one month or less by an agreement which must specify the time and be signed by them at the time of their admission. At the end of one month they may renew the agreement, but no agreement is valid unless signed in the presence of some adult person attending as a friend of the applicant, and by the medical attendant.

Commitment of inebriates and users of drugs. Page 4809, 100.

Inebriates and persons addicted to drugs may apply by petition to the court of quarter sessions or to any magistrate of the proper county requesting commitment to the proper hospital for restraint and treatment. The petitions must be made by at least two persons, being the wife, husband, parent, children, or next of friend of such person, and must be accompanied by affidavits from at least two physicians. The court or magistrate being satisfied that the facts set forth in the petition are true, must commit the alleged drunkard or user of drugs to the proper hospital until satisfied that restraint and treatment are no longer beneficial; but in no case for more than one year. No person may thus be committed or admitted to any hospital or asylum as a drunkard or user of drugs until payment has been made or security given for the payment of the proper charges for his board and care. All commitments in question are reviewable by proceedings under writ of habeas corpus.

Appointment of guardian. Page 4812, 105.

Whenever a person has become insane or so mentally defective that he is unable to take care of his property, the immediate relatives, creditors, or in their absence, any other person, may present to the court of common pleas of the county in which the person resides a petition under oath, asking the court to adjudge such person to be unable to take care of his property and to appoint a guardian for the estate of such person. The hearing of the petition must be in the presence of the person against whom it is presented, unless it is unsafe to require his presence. If the court is satisfied that the person is not able, owing to insanity or weakness of mind, to take care of his property, he must enter a decree accordingly, and appoint a guardian to take care of it. Upon written request, a trial of the case may be had by jury. When a decree has been issued, a guardian must be appointed with the same powers as the committee on lunacy.

107.

121. *c. Appeal from commitment.* On a sworn statement addressed by some respectable person to any law judge, that a person confined in a hospital for the insane is not insane and unjustly deprived of his liberty, the judge must issue a writ of habeas corpus and hold a public hearing on the question. The onus of proving the person insane rests upon those
134. restraining him of his liberty. From an order by a court regarding the care of an insane person and the disposition of his estate, an appeal may be taken to the supreme court.

Page 4749. 126. *d. Cost of commitment.* If a person is found to be not suitable for commitment as insane and the proper court or a law judge so affirms, the one petitioning for his commitment is liable for all costs. If he is found suitable for commitment and has sufficient property, the property is liable to all costs. If the person is found insane and suitable for commitment and has not sufficient property, the county liable for his support in the hospital is also liable for all costs.

4. Conveying Patients to the Hospital

Page 4761. 166. When an indigent female insane patient is to be removed from one place or institution to another or returned from an institution, the court under whose order she is committed, or the commissioners of the county or the overseers of the poor of the district must provide a female attendant for every female patient in transit, unless the patient is accompanied by
167. a member of her family. Refusal to comply with this provision or neglect to do so is subject to a penalty of $250.

5. Transfer of Patients

Page 4753. 135a. The committee on lunacy is authorized, when satisfied that any of the state hospitals for the insane are overcrowded, to transfer patients from one state hospital to another.

6. Parole and Discharge of Patients

114. All persons detained as insane other than the criminal insane must be discharged as soon as they are restored to
115. reason and competent to act for themselves. The committee
116. on lunacy must be notified of all discharges within seven days after they have been made and may at any time order the discharge of any person detained as insane other than criminals, but not without due notice to the person in charge of

the institution where the patient is kept and to the persons at whose expense the patient is detained. The committee may not sign an order of discharge unless they have personally attended and examined the case of the patient.

On statement in writing to any law judge by some friend of a person placed in a hospital that he is losing his bodily health, and that his welfare would be promoted by his discharge, or that his mental disorder has so far changed its character as to render further confinement unnecessary, the judge must make suitable inquisition and may or may not order the discharge of the person. 127.

Persons placed in any hospital for the insane may be removed by those who have become responsible for the payment of their expenses, provided, that such obligation was the result of their own free act, and that its terms require the removal of the patient in order to avoid further responsibility. 128.

7. Cost of Maintenance

The expense of the care and treatment of the indigent insane in state hospitals is divided between the county from which the person was committed and the state. Page 4760. 159.

Any county, subdivision thereof, or city maintaining a suitable institution for the insane is entitled to receive from the state the sum of $1.50 per week for each indigent insane person committed to the institution or transferred to it from a state hospital. 160.

The county from which he was sent is liable for the support of an insane person who has been commited to it by any court. 162.

Hospitals maintaining psychopathic wards are entitled to receive from the state $2 per day for each indigent person received during the time of his stay. Laws of 1911, Chap. 855, 3.

8. Criminal Insane

When a person is acquitted in a criminal suit, on the ground of insanity the court must order the prisoner to be committed to some place of confinement for safe-keeping or treatment. 122.

If, after a confinement of three months' duration, any law judge is satisfied by the evidence presented to him that the 123.

prisoner has recovered, and that the paroxysm of insanity in which the criminal act was committed was the first and only one he had ever experienced, he may order his unconditional discharge. If it appears that the paroxysm of insanity was preceded by at least one other, the court may appoint a guardian of his person under bond for any damage his ward may commit. In case of homicide or attempted homicide, the prisoner may not be discharged, unless in the opinion of the superintendent and three-fourths of the managers of the hospital and the court before which he was tried he has recovered and is safe to be at large.

Commitment of insane criminals. 112.

Insane criminals may not be received at any hospital except when delivered by the sheriff on order of the court of the county in which they were arrested or committed, nor may such criminals be discharged from a hospital except upon an order to the sheriff or his deputy by the court. If any person detained in any prison is insane or in such condition as to require treatment in a hospital for insane, any law court under whose order the person is detained must upon application make an inquiry into the circumstances, either by a commission or otherwise, with notice to the committee on lunacy, and if the judge is satisfied that the person requires hospital treatment, he must direct his removal to a state hospital, the cost to be borne by the county liable for his maintenance in prison.

Discharge of insane criminals. 113.

The discharge of a criminal confined in any hospital by order of any court or of a person who has been acquitted on trial because of insanity, is prohibited except by order of a court of competent jurisdiction; and in such a case, the insane person, whether a convict or acquitted, is not to be set at large, but to be removed to a place of custody other than a hospital. The order for removal may not be made without notice to the committee on lunacy, and time must be given them to investigate the case and act on the application.

Laws of 1911, Page 273, 1.

3.

When any person charged with any crime or misdemeanor is acquitted by the jury on the ground of insanity, he may be released from custody on parole by the court in which he was acquitted. The court directing the release on parole on the grounds of insanity may prescribe such terms and conditions of release as to it may seem proper.

RHODE ISLAND

Authorities:

General Laws of Rhode Island, 1909

Public Laws of Rhode Island, 1909-1910

1. Administration and Supervision

a. General. The board of state charities and correction is composed of nine members, appointed by the governor for terms of six years. General Laws, Chap. 360. 1-2.

The board of state charities and correction appoints an agent who under its direction has the general charge of the examination of lunatics for the purpose of ascertaining their place of settlement and means of support as well as who is liable for their support, and of attending to their removal to their homes or places of settlement or to the asylum for the incurable insane. 6.

The agent of the board must visit all town asylums and all places where insane persons are kept as often as necessary in order to see that no person is improperly confined. Chap. 96, 45.

The board is required to make an annual report to the governor.

b. Institutional, administrative and supervisory agencies. The state hospital for the insane is under the direction of the board of state charities and correction which appoints the superintendent to hold his office during its pleasure, and, under their direction, to have the control and management of the hospital. The board may, upon the nomination of the superintendent, appoint a deputy superintendent of the hospital to hold his office during its pleasure. The superintendent appoints all the assistants and other employees the board deems necessary, and may discharge them at his pleasure. The board fixes the compensation of the superintendent, the deputy superintendent and their assistants. Chap. 360, 8. 9.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a hospital for the insane and also supports patients in the Butler Hospital, which is an institution under private management.

Local. Insane persons may be provided for in town asylums, Chap. 96, 46.

but not unless, in the opinion of the agent of the state board, they are properly cared for.

3. Commitment

a. Classes committed. All insane persons who are residents of the state are entitled to be cared for at the state hospital or supported at the Butler hospital by the state.

48. *b. Legal procedure in commitment.* Upon the written application of the parent, guardian, relative or friend of an insane person, accompanied by the certificates of two practicing physicians registered in the state, that such person is insane, the board of state charities and correction is authorized to receive him for care and treatment upon such terms as it may fix.

Chap. 96, 1. Upon sworn complaint to any justice or clerk of a district court that a person within the county is so insane as to be dangerous to the peace and safety of the public, the justice or clerk must issue a warrant for the person and have him brought before the district court for examination. When the complaint is accompanied by a certificate signed by two practicing physicians in the state declaring that the alleged insane person can not without serious consequences be examined in open court, district courts are empowered to hold examinations at times and places most conductive to the health and comfort of the person examined. When an examination is made at any other place than in open court, the justice may not commit the person to an asylum without having the testimony of two practicing physicians of good standing that the person is

2. insane and in need of restraint. If the court holds the complaint to be true it must, unless some other provision for the adequate restraint and treatment of the person satisfactory to the court is made, commit him to the Butler Hospital or to the state hospital for the insane.

Chap. 96, 6. On a sworn petition setting forth that any person is insane, and should be placed in the hospital for the insane, any justice of the supreme court may call in not less than three commissioners to make inquiry and report whether the person in question is insane or not; and if insane, he must be placed

7. in a hospital, either for cure or for restraint. The commissioners must give notice to the person complained of as insane

of the time and place of hearing, so that by his own statements or by counsel he may defend himself. The commissioners may issue summons and compel the attendance of witnesses. When the person alleged to be insane is unable to obtain counsel and summon witnesses, the court or commission must appoint a competent counsel and summon all necessary witnesses. The justice may issue a warrant for the apprehension of the person complained of and order him detained by the officer to whom the warrant is directed or to be committed to the Butler Hospital or the state hospital for the insane, or other public place for detention, pending the inquisition. Upon the report of the commissioners the justice may, without further hearing, order the person complained of to be confined in the Butler Hospital or the state hospital, or in some other curative hospital for the insane, or he may dismiss the petition. Insane persons may be placed in the Butler Hospital or other curative hospital for the insane, supervised by officers appointed under the authority of the state, by their parents or guardians, or by their relatives or friends, but the superintendent of the hospital may not admit any person without a certificate from two practicing physicians of good standing, stating that the person is insane. 8. 9. 11.

Voluntary commitment. 41.

The superintendent of any hospital for the insane may receive as a boarder and patient any person who is desirous of submitting himself to treatment, and who makes a written application, but whose mental condition is not such as to render it legal to grant him a certificate of insanity. Such a boarder may not be detained for more than three days after having given notice to the superintendent of the hospital that he desires to leave it.

42.

Any physician who unlawfully commits to any lunatic asylum a person who is not insane is liable to a fine not exceeding $500 or imprisonment not exceeding five days.

Examination by commission of confined insane. Chap. 96, 15.

c. Appeal from commitment. On petition of any person confined in an institution for the insane, or of any person on his behalf, to a justice of the supreme court, stating that he has reason to believe that such person is not insane, the justice must issue a commission for the purpose of inquiring

into the condition of the person. The personal examination by the commissioners of the person detained as insane must take place in the institution where he is detained, except by
18. order of the justice issuing the commission. In other respects the commission has the same power, and proceeds in the same manner as provided in case of examination for the commit-
19. ment of the insane. The right of any person to the writ of habeas corpus is not abridged; and upon application for it, the court must inquire into and determine the sanity or insanity, or the necessity for restraint, of the person confined. If it appears necessary to the court, the case must be submitted to a jury in the superior court.

Costs of commission, how borne. 20. No commission may be issued until the applicant pays or secures all costs and expenses connected therewith, as well as the expense of any ensuing confinement. No payment or security is required in case the application is for the discharge of the person confined by himself. In such a case, all costs are charged against the estate of the applicant or person committing him to the hospital, or in case of poor and indigent persons, against the state.

Chap. 96, 4. *d. Cost of commitment.* The costs of the commitment of an insane person are to be paid by him if he has any estate; otherwise by the state, until the liability of some town for his
5. maintenance has been established. When the person or town chargeable with the cost neglects to pay it, the agent of the board of state charities and corrections must give notice to the attorney general, who must begin action for the recovery of the costs.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

Chap. 96, 50-51. The superintendents of the state hospital for the insane and of the Butler Hospital, acting under the direction of the board of state charities and corrections, may, whenever they shall deem it for the welfare of any inmate and consistent with public safety, permit an inmate to leave temporarily, in charge of his guardian, relatives or friends, for a period not exceed-

ing six months, to be received whenever returned by the guardian, relatives or friends within this period, without further order of commitment.

Chap. 96, 10. Patients committed to hospitals for the insane by order of court may be discharged, although not restored to sanity, upon the written recommendation of the trustees and superintendent of the hospital by an order of any justice of the supreme court. 14. The superintendent of any institution for the insane may, on the application of any relative or friend and upon the approval of the trustees, discharge any patient not committed by a process of law.

Removal of patients. 13. Persons who have placed an insane person in a hospital for the insane and voluntarily become responsible for the payment of his expenses while in the institution, have the right to remove him.

Commission on complaint. 29. The agent of the board of state charities and corrections, together with a chairman of the state board of health, constitute a commission to receive all complaints, and communications from, or relating to, any inmate of any insane asylum within the state. Whenever it seems to them advisable, they must make inquiry and petition any justice of the supreme court for an examination into the condition of an insane person, and the justice may in his discretion cause the person to be discharged. The commission must present forthwith to some justice of the supreme court any application of any person confined for the appointment of a commission of examiners. 30. The commission must from time to time visit every institution or place where any insane person is confined and examine into his condition. 32. Upon proper complaint of improper treatment of any insane person in any institution, the commission may take the complaint before any court having jurisdiction, and prosecute it.

39. Whenever the agent of state charities and corrections complains in writing to any justice of the supreme court that any person alleged to be idiotic, lunatic or insane is not properly cared for, or is improperly confined or restrained of his liberty in any town, the court must investigate the complaint, and if it be found true, order him removed to the state hospital for the insane.

7. Cost of Maintenance

Chap. 96, 49. Whenever an insane pauper chargeable to any town or city is admitted to the state hospital for the incurable insane or the Butler Hospital or any other curative hospital, the entire cost is paid by the state.

State beneficiaries. 43. The governor is authorized to draw upon the state treasury for the maintenance in whole or in part of indigent insane persons, inhabitants of the state, whom he may select as state 44. beneficiaries. The board of state charities may designate as state beneficiaries indigent insane persons, residents of the state under treatment, whom they may deem proper objects for state aid, and may draw upon the state for the cost of their support in whole or in part at the Butler or other curative hospital.

8. Criminal Insane

Commitment of insane criminals and prisoners. Public Laws, 1909-1910, Chap. 642, 1, Whenever a person tried upon an indictment sets up insanity as defence, the jury, if they acquit him, must so state; and if the person acquitted is regarded by the court as dangerous to the public peace if left at large, the court must certify this opinion to the governor, who may make provision for his maintenance and support in the prison insane ward, the state hospital for the insane, or other institution for the insane. 5. On the petition of the agent of state charities and corrections, or of the officer having the custody of any person awaiting trial or imprisoned in any county of the state, stating that he is insane, the presiding justice of the superior court, or in his absence any justice of the superior court, may make such an examination of the person as he shall deem proper; and 6. if satisfied that the person is insane or idiotic, he may order his transfer to the prison insane ward or the state hospital 7. for the insane. When restored to reason, the presiding justice of the superior court, may in his discretion remand the person to the place of his original confinement, to await trial for the offense for which he was committed. The estate of any such insane person is liable for the maintenance.

General Laws, 1909. Chap. 96, 23.

Public Laws, 1909-1910. Chap. 642, 2. On petition of the board of state charities and corrections, stating that any convict in the state prison or in the Providence county jail, or on the petition of the clerk of the superior court for any of the other counties, that a convicted

prisoner in the jail of his county is insane, idiotic, or permanently incapacitated for mental or physical labor, the presiding justice of the superior court, or in his absence any justice of the superior court, may order his examination, and transfer him to the prison insane ward, the state hospital for the insane, or the state almshouse. The order must be for and during the term of the prisoner's sentence. 3. General Laws, 1909. Chap. 96, 26.

Upon restoration to reason or to health, any person thus transferred may, by order of the presiding justice of the superior court be transferred to the place of his original confinement, to serve out the remainder of his sentence. Public Laws, 1909-1910, Chap. 642, 4.

SOUTH CAROLINA

Authority:

Code of Laws of South Carolina, 1902

1. Administration and Supervision

a. General. The state is without a board having general administrative and supervisory powers over charitable institutions.

b. Institutional, administrative and supervisory agencies.

2247. The state hospital for the insane is under the direction and control of a board of regents, consisting of five members appointed by the governor for terms of six years.

Powers and duties of regents. 2248. The regents establish by-laws and rules for the government of the hospital, fix the salaries of officers and attendants, not otherwise provided for by law, and establish the rights of admission, maintenance and medical attendance for patients other than beneficiaries.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one general hospital for the insane, with separate departments for white and colored patients.

Local. The indigent insane not admitted to the state hospital because harmless or incurable are maintained in the county poorhouses under the charge of the county commissioners, except in the cities of Charleston and Columbia where the city authorities are the overseers of the poor.

3. Commitment

2249. *a. Classes committed.* The state hospital for the insane is maintained solely for the custody and treatment of insane persons. A person is considered insane or fit to be a patient in the hospital who by reason of mental aberration of a more or less permanent character is dangerous to others or to his own life or person, or to property. Lack or loss of mental ability to properly conduct his usual work or business must be considered along with aberrant conduct in determining the question of a person's insanity. Harmless imbeciles, idiots or epileptics may not be maintained at the hospital except as pay patients.

Insane persons not residents of this state may be admitted as paying patients to the hospital by the same process of law as required for citizens, but not to the exclusion of applicants who are citizens of this state. The bond for payment of all dues to the hospital must be signed by at least one resident of this state. 2258.

Inebriates or persons addicted to the drug habit may not be received in the state hospital for the insane for treatment, unless they are dangerous or violent. The board of county commissioners of the respective counties from which such persons are sent, if beneficiaries, must pay to the state hospital for their maintenance the same sum upon the same terms required for pay patients. Any inebriate or person addicted to the drug habit, who voluntarily makes application for admission to the hospital, may at the discretion of the board of regents be received as a pay patient; but not when the accommodations are inadequate for insane patients. 2268.

b. Legal procedure in commitment. Application by a relative, friend or citizen for commitment of an insane person to the hospital must be made to the judge of probate of the county in which the alleged insane person resides. The judge may investigate the case by examining witnesses or not as he sees fit, and if he is reasonably convinced that the application is a just one, he must transmit answers to the list of interrogatories prepared by the regents, and forward them to the superintendent of the hospital with an application for admission. If necessary the superintendent may refer the application to the board of regents before final answer. 2251. 2252.

When informed that the person can be received, on what terms, and under what class, the judge of probate must call two physicians to certify to the insanity of the person. The physicians must be registered according to the law of the state and may not be related to the patient. They must certify that he is not an epileptic, a lunatic incurable at home, and that he is violent and dangerous. If the judge of probate believes that satisfactory evidence has been offered of the person's insanity, he must make certificates as required by the board of regents, and send the insane patient to the hospital. Examination by physicians.

The superintendent of the state hospital may receive and Emergency cases. 2253.

detain for a period not exceeding five days, without an order from the probate judge, any person as insane whose case is duly certified by two reputable physicians to be one of violent and dangerous insanity. In addition, an application signed by a magistrate of the county or the mayor or alderman, intendent or warden of the county, city or town in which such insane person resides or is found, must be left with the superintendent. The party committing the person must give a bond in the sum of $100 to the treasurer of the institution, with condition that he will within five days procure an order for his commitment, and failing this that the insane person must be removed or discharged by the superintendent.

2250. When the accommodations of the hospital are crowded, preference must be given to recent curable cases over chronic incurable cases. Preference is last given to idiots, or any who have been imbecile or weak-minded from childhood, to those who are subject to epileptic convulsions, and to those whose temporary insanity is produced by the use of alcoholic drinks or opiates.

2265. The sheriff or other person in charge of any patient ordered to be conveyed to the state hospital for the insane must hold him without expense to the hospital until notified by the superintendent that the patient can be received.

c. Cost of commitment. The expense of committing patients and transporting them to the hospital must be paid out of their estate if they have any, or by the relatives liable for their support. In the case of indigent patients the cost is borne by the state.

4. Conveying Patients to the Hospital

The judge of probate must deputize the sheriff or his deputies or other officers or a friend or friends of a committed insane person, to convey him to the hospital.

5. Transfer of Patients

6. Parole and Discharge of Patients

2259. The superintendent of the hospital, under the authority of the board of regents, must furlough any convalescent patient at the request of his relatives or friends for a period not exceeding three months. The relatives or friends must pay

all the traveling expenses of the patient from and back to the hospital. If at the expiration of three months the patient has not been returned to the hospital, he must be entered as discharged, and re-admission can not be obtained without recommitment as if the person had never been a patient in the hospital.

Whenever a patient has recovered, the regents must discharge him from the hospital. 2267.

7. Cost of Maintenance

Indigent patients, residents of the state, are maintained at the expense of the state.

Financial condition of patient to be investigated. 2255.

The judge of probate must make a thorough examination of disinterested, reliable witnesses under oath, and of records, as to the financial standing of the patient, the actual value of all property owned by him, and by the husband, wife, father, mother, sons, daughters of such patient, and also a statement of all debts due to and due by the patient and the relatives, and transmit to the superintendent of the hospital a report of his investigation. The superintendent or the board of regents must then decide whether the patient can be received as a beneficiary or as a paying patient, in whole or in part. If the patient is to be a paying patient the judge of probate must require a bond to be given with sufficient sureties.

If satisfactory evidence is adduced before the judge of probate that a paying patient in the hospital has since admission become indigent, he must at once notify the superintendent of the fact.

8. Criminal Insane

Any judge of the circuit court is authorized to send to the state hospital for the insane every person charged with the commission of any criminal offense, who upon trial proves to be *non compos mentis*. When the person so sent is not a pauper, he must be supported out of his own estate. 2264.

SOUTH DAKOTA

Authorities:

Revised Codes of South Dakota, 1903
Laws of South Dakota, 1903, 1911

1. Administration and Supervision

171. *a. General.* The state board of charities and correction is composed of five persons, no three of whom may be residents of counties in which any state public institutions are located,
173. appointed by the governor for terms of six years. The board
175. has control of all state institutions including the hospitals for the insane, with power to examine all that pertains to the management and condition of these institutions and to demand information. In addition, the board has all the powers formerly possessed by the boards of trustees of the several institutions, including the appointment for the hospitals of the insane of medical superintendents, assistant physicians, stewards and matrons.

176. The board or a majority of it must visit the institutions once a year (monthly visits by one or more members are required) and report to the legislature at each regular session.

b. Institutional, administrative and supervisory agencies.
523. The superintendent of a hospital for the insane must be a
525. physician of acknowledged skill and ability. He appoints all employees and assistants, except those subject to appointment by the state board of charities and correction, and may discharge any employee and suspend any resident officer except the steward.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two hospitals for the insane, one of which is exclusively for Indians.

Local. Insane persons who can not be cared for at a hospital or for whom admission to it is not sought may be provided for in the county poorhouses or asylums which are under the management of the county commissioners as overseers of the poor.

3. Commitment

a. Classes committed. All residents of the state who become insane are entitled to be received at a hospital for the insane.

The residents of other states may be admitted upon the payment of the first cost of their support; provided, that no resident of another state may be received or retained to the exclusion of any resident. If any inmate be unwilling to accept gratuitous support, the superintendent of the hospital is authorized to receive pay therefor.

b. Legal procedure in commitment. In each organized county there is a board of commissioners, consisting of three persons, styled commissioners of insanity. The county judge is a member of such board and its chairman; in case of his absence or inability to act, the state's attorney is ex-officio chairman of the board. The other two members are appointed by the board of county commissioners, one of whom must be a reputable physician and the other a practicing attorney. One of these commissioners is appointed for one year and the other for two years. In case of the temporary absence or inability to act of the two commissioners, the county judge must call to his aid a reputable practicing physician or lawyer. The record of the cases must show this fact.

Commissioners of insanity. Laws of 1911, Chap. 170, 1.

The commissioners have cognizance of all applications for admission to the hospital or for the safe-keeping otherwise of insane persons within their respective counties, except in cases otherwise specially provided for. For this purpose, they have power to issue subpoenas and compel obedience thereto, to administer oaths, and do any act of court necessary and proper in the premises.

Duties and powers of the commissioners. 2809.

Application for admission to the hospital must be made in writing to the board of commissioners in the nature of an information verified by affidavit, alleging that the person is believed to be insane and a fit subject for custody and treatment in the hospital; that he is found in the county and has a legal settlement in it, if that is known to be the fact, or where he has a settlement.

2810.

The commissioners must at once investigate the grounds of the information, and may require that the person for whom such admission is sought be brought before them for exam-

2811.

ination, or they may dispense with his presence. Any citizen of the county, or any relative of the person alleged to be insane, may resist the application, and may appear by counsel if they elect. The commissioners must appoint some regular practicing physician of the county to examine the person alleged to be insane, and to report to the commissioners. The physician may or may not be of their own number. The physician must endeavor to obtain from the relatives of the person in question or from others who know the facts correct answers, so far as may be, to the prescribed interrogatories, which with answers must be attached to his certificate.

2812. On the return of the physician's certificate, the commissioners must find whether the person is insane and a fit subject for treatment and custody in the hospital, and where his legal settlement is. If they find him insane and a fit subject for treatment and custody in the hospital, they must issue their warrant authorizing the superintendent of the hospital to receive him as a patient.

Preference in receiving patients. 545. If it becomes necessary for want of room or other cause to discriminate in the general reception of patients into the hospital, a selection must be made as follows: (1) recent cases, of less than one year's duration; (2) chronic cases, of more than one year's duration; (3) those for whom application has been longest on file; (4) when cases are equally meritorious in all other respects, the indigent are to be preferred.

Disposition of insane person when accommodations of asylum are insufficient. 2817. When it is shown to the satisfaction of the commissioners that persons found insane can not at once be admitted to the hospital, and that they can not with safety be allowed to go at liberty, they must require suitable provision to be made for them until admission can be had, or until the occasion therefor no longer exists. Such patients may be cared for as private patients when relatives or friends obligate themselves to take care of and provide for them without public charge. In such cases, the commissioners must appoint a suitable person a special custodian, to restrain, protect and care for the patient. Or they may be cared for as public patients, in which case the commissioners must place them in charge of the commissioners of the county or overseers of the poor, at the expense

of the county. For lack of a poorhouse for the reception of such patients, or if no more suitable place can be found, they may be confined in the county jail. Or the commissioners may require that such patients be taken to the asylum of any state designated by the governor, who is authorized to arrange terms for this purpose.

Insane persons cared for by the county. Laws of 1903, Chap. 156, 2818.

Persons alleged to be insane and whose admission to the hospital is not sought, may be provided for as either public or private patients in the county by the commissioners upon proof of their insanity and need of care; provided, however, that if any inmate of the South Dakota Soldiers Home is adjudged insane, he must be cared for at the hospital for the insane at the expense of the state.

2824.

c. Appeal from commitment. On a statement in writing, verified by affidavit, to the county judge of the county in which the hospital is situated, or of the county in which any person confined in the hospital has his legal settlement, that he is not insane, the judge must appoint a commission of not more than three persons to inquire into the merits of the case, one of whom must be a physician; and another an attorney, if two or more are appointed. Their report to the judge must be accompanied by a statement of the case and signed by the superintendent. If on such report the county judge finds the person not insane, he must order his discharge; if not, he must authorize his continued detention. The cost of the inquiry is to be paid by the county if the applicant is found to be sane; if not, then by the applicant. The commission provided for may not be repeated oftener than once in six months in regard to the same patient, and may not be appointed within six months of the time of the admission of any patient.

2825.

2826.

All persons confined as insane are entitled to the benefit of the writ of habeas corpus, and the question of insanity must be decided at the hearing. If the judge decides that the person is insane, the decision is no bar to the issuing of the writ a second time, whenever it shall be alleged that he has been restored to reason.

2814.

d. Cost of commitment. The cost of committing an insane person is a charge upon the county in which he has a legal

residence, but the expense of conveying patients to the hospital is paid out of the state treasury, although advanced by the county.

4. Conveying Patients to the Hospital

2813. When a person is to be sent to the hospital, the superintendent must send an employee, who has had experience in the care of insane persons, to take charge of him while enroute to the hospital.

2816. The county judge may authorize a relative or member of the family of the insane person, if competent to do so, to convey him to the hospital for the insane.

5. Transfer of Patients

2822. Insane persons who have been under care as public or private patients outside of the hospital by authority of the commissioners of any county, may on application be transferred to the hospital, whenever they can be admitted, without another inquest at any time within six months.

6. Parole and Discharge of Patients

547. Any patient who is cured must immediately be discharged by the superintendent. The relatives of any patient not susceptible of cure, and not dangerous to be at large, have the right to remove him by consent of the board of charities

548. and correction. On application of the relatives or immediate friends of any patient in the hospital who is not cured, and who can not be safely allowed to go at liberty, the commissioners of insanity of the county in which the patient belongs, having made provision for his care within the county, may authorize his discharge from the hospital; but no patient charged with or convicted of homicide may be discharged

549. without the order of the board. When patients are discharged from the hospital without application therefor, notice must at once be sent to the commissioners of insanity of the county where they belong, who must have them removed, and provide for their care in the county, unless the patients are discharged as cured. If the commissioners fail to remove a patient so discharged within thirty days, the county in which the patient belongs must pay at the rate of two dollars per day for the support of the patient at the hospital.

7. Cost of Maintenance

The expenses for the care, board and keeping of patients in the hospital for the insane are a charge upon each county sending them, or in which they have legal settlement. Expenses incurred by one county on account of insane persons whose legal settlement is in another county must be refunded with lawful interest by the county of his settlement. 532. 535.

8. Criminal Insane

If a doubt arises as to the sanity of a defendant to be tried on indictment or brought up for judgment, the court must order a jury to be impaneled. If the jury finds the defendant is insane, the trial or judgment must be suspended until he becomes sane, and the court, if it deems his discharge dangerous to the public peace or safety, may order him to be kept in charge of the sheriff until sane. 544. 548.

If the defence is insanity, the jury must state the fact if they acquit him on that ground; and the court may, if it considers the discharge of the defendant dangerous, commit him to the hospital for the insane until he recovers. Laws of 1911. Chap. 172.

Whenever it appears to the satisfaction of the governor, by the representations of the warden of the state prison and board of charities and correction, that a convict sentenced by any court in the state has become insane, the governor, if he determines that the convict is insane, must order him transferred to one of the state hospitals for the insane, and that upon recovery, if before the expiration of his sentence, he be returned to the state prison. 701.

TENNESSEE

Authorities:

Code of Tennessee, 1896

Supplement to Code of Tennessee, 1897-1903

Acts of Tennessee, 1909

1. Administration and Supervision

a. General. The state is without a board having general control or supervision of the insane in institutions; but the governor, judges of the courts, and members of the general
2587. assembly are ex-officio visitors of the hospitals.

b. Institutional, administrative and supervisory agencies.
2583. 2586. The state hospitals are under the management of boards of trustees of five members each, appointed by the governor from the district in which the hospital is located for terms of six
2588. years. The boards have general control and supervision of their hospitals, select the treasurers from one of their own number, and appoint the superintendents, who must be physicians of skill and experience in the treatment of the insane, for terms of eight years, but subject to removal for cause.

Supplement, 2584. Trustees and other officials connected by election or appointment with the management of a hospital for the insane are forbidden to furnish any supplies for the maintenance of the hospital, or make any contract for this purpose, under penalty of forfeiting their right to serve as trustees or officials.

Code, 2591. Subject to the approval of his board, the superintendent has entire control of all subordinates and in the matter of the removal of patients.

Supplement, 2584. The superintendents are the treasurers of their respective hospitals and must give a surety bond.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three general hospitals for the insane, each of which has separate accommodations for white and colored patients. The state is divided into three hospital districts.

Local. Four counties maintain county asylums for the insane or insane departments in connection with the almshouse, under the management of the commissioners of the

poor appointed by the county. Each of the other counties must maintain its own poor asylum to which the insane may be admitted who can not be cared for at the state hospitals. The rulings of the county commissioners in regard to admissions are subject to revision by the county court.

Private institutions for the insane may be established under the direct control of a physician in charge, who must be a reputable and licensed physician, a graduate of a recognized medical school, with at least five years' experience in treating insanity. A license must be obtained from the clerk of the county court in which the proposed institution is located. No license may be granted until the applicant delivers to the clerk a sworn statement of the proposed physician in charge, showing that he is properly qualified. Private institutions for the insane. Acts of 1909, Chap. 488, 3. 4.

3. Commitment

a. Classes committed. All persons who have legal citizenship and residence in the state may be admitted to the state hospitals. 2616.

b. Legal procedure in commitment. Insane persons may be placed in the hospital by their legal guardians or by their relatives or friends in case they have no guardians, or by a justice of the peace, upon proper proof of their insanity. 2617.

In the case of non-paying patients, some reputable citizen of the county to which the patient belongs must file a written statement in prescribed form of the case with a justice of the peace of the county. The justice then issues his subpoenas for the persons named as witnesses, and such other persons as he may think proper, requiring them to appear before him at a specified time, to testify concerning the facts set forth in the statement. If the justice is satisfied of the truth of the allegations in the statement, he must require the medical witnesses to make out a certificate according to the form prescribed by law, certify to his inquest and transmit to the clerk of the county court a certificate of the proceedings. The clerk must transmit a copy of the proceedings to the superintendent of the hospital accompanied with an application for the admission of the patient named. The superintendent must immediately advise the clerk whether and when the patient can be received. 2618.

2622. Paying patients may be admitted to a state hospital upon payment in advance of charges for a specified period, furnishing a bond for future payment, and upon the presentation of a medical certificate of insanity in prescribed form, signed by at least one reputable physician.

Indigent to have precedence in admission. 2630. In order of admission, the indigent insane of the state have precedence of paying patients, and recent cases of both classes have precedence over those of long standing.

Commitment of insane to private institutions. Acts of 1909, 6. An insane person may be committed to a private institution in the same manner as provided for the commitment of insane persons to the state or county hospitals for the insane. Or commitment may be made upon a petition to the chancery or

7. county court by the husband, wife, child, parent, brother, or sister, or guardian, or the next of kin of the alleged insane person, or by the person at whose house the alleged insane person resides, and a certificate of lunacy made by two reputable physicians of at least two years' experience in the practice of medicine, and upon the order of a judge of the court.

8. The petition must contain a sworn statement of the degree of relationship of the alleged insane person, his color, sex, age, civil condition, occupation, place of residence, and duration of his insanity, the facts indicating his insanity, and the name of the institution to which it is desired to have him

10. committed. The two physicians must jointly make a final examination of the alleged insane person within ten days next before the granting of the order of commitment.

11. Neither of the physicians may be a relative of the person applying for the order of commitment, or of the insane person, or be an officer of or be in any way pecuniarily interested in

12. the institution to which commitment is sought. Personal notice of the application for his commitment must be served upon the alleged insane person at least one day before the order is granted; but the judge may dispense with such personal service upon the affidavit of the examining physicians that it would be detrimental to the patient.

Emergency cases. Acts of 1909, 14. When the condition of an alleged insane person renders necessary his immediate confinement in an institution for the insane, a private institution may receive him upon the petition

and certificate of lunacy for a period of time not exceeding five days, and before its expiration, an order must be secured for his regular commitment. In such a case, the medical examiners must certify that the person in question should immediately be confined in an institution for the insane.

c. Appeal from commitment. An alleged insane person may prosecute an appeal or a writ of error, in proper person, from an adverse judgment in a proceeding of inquisition of lunacy. Any person restrained of his liberty may prosecute a writ of habeas corpus, to be granted by any judge. Page 1379, note, 6.

d. Cost of commitment. The county from which an indigent person is sent must pay the expense of his transportation to and from the hospital as well as other expenses connected with his commitment.

4. Conveying Patients to the Hospital

The clerk of the county has the duty of issuing a warrant to some suitable person for the conveyance of an insane patient to a hospital.

5. Transfer of Patients

An insane person may be transferred from the custody of a state or county asylum or hospital to the custody of a private institution, or vice versa, upon a certified copy of the original order of commitment made by the superintendent or physician in charge of the institution from which the patient is transferred. Acts of 1909, 15.

6. Parole and Discharge of Patients

Patients in state hospitals must be removed whenever, in the judgment of the superintendent and president of the board of trustees, it may be judicious and proper for the interests of the hospital, the patient, and the community. 2621.

The physician in charge may at any time discharge a patient committed to a private institution as insane when, in his opinion, the patient has recovered, or his condition does not render him dangerous to himself or others if at liberty, or may discharge him to the custody of a person authorized to make the petition. Acts of 1909, 16.

The physician in charge of a private institution may parole

Parole and recommitment. Acts of 1909, 17.

a committed insane person to the custody of a responsible relative or friend for a period not exceeding thirty days. If the patient is returned to the institution before the expiration of that time, he may be re-admitted upon the original order of commitment. Before the expiration of this period of thirty days, he may in like manner be admitted to any state or county hospital or asylum or other licensed private institution for the insane upon a certified copy of the original order of commitment. If not returned to the custody of the institution or admitted to some other institution upon the original order, he must be discharged at the expiration of his period of parole.

7. Cost of Maintenance

The county from which an indigent patient is sent must pay the cost of his maintenance at the hospital and provide the necessary clothing.

Supplement, 2613, 1.

When a person committed to the hospitals for the insane has estate, the income of which is insufficient to pay for his support at the hospital, the same may be appropriated toward the payment for his support; provided, that the patient has no family or dependents.

2.

The county court clerks of the various counties are required to report to the superintendents of the several hospitals for the insane the names and amounts in value of the estates belonging to insane persons who have been committed.

8. Criminal Insane

If in behalf of a person not previously known to be insane, who is charged with a criminal offense punishable by imprisonment in the penitentiary or death, the plea of insanity is urged, the court must charge the jury that if they believe the defendant to be insane, they shall so find, and he shall be committed to a hospital. The powers of courts of commitment to the hospital for the insane do not extend to insane persons arraigned for felonious assaults or misdemeanors only, or to those who may be admissible to the hospitals for the insane under the general laws of commitment.

Disposition of criminal insane upon recovery. 2634.

When, in the opinion of the trustees and physician, a patient committed as criminal insane has recovered, they must deliver

him to the jailor of Davidson county for safe-keeping, and notify the clerk of the county in which he was arraigned of the fact. If, at the next term of the court, the district attorney wish further to prosecute such person, he must be delivered to the jailor of the county in which he was arraigned. 2635.

TEXAS

Authority:

Texas Civil Statutes, 1897
Supplement, 1904
Laws of Texas, 1911

1. Administration and Supervision

a. General. There is no state board having general control or supervision of the insane or of the institutions in which they are kept.

88. *b. Institutional, administrative and supervisory agencies.* The general control, management and direction of the affairs of the Texas hospitals for the insane are vested in boards of managers, each hospital having its own board consisting of
89. five members, appointed by the Governor for terms of two
94. years. The board of managers has power to make all necessary by-laws and regulations for the institution and its inmates; to elect a superintendent; to make all other appointments on the nomination of the superintendent; to determine salaries and wages, to discharge upon the recommendation of the superintendent any officer or employee or patient, etc.

The superintendent must be a married man, a skillful physician and experienced in treating cases of insanity.

2. Provision for the Care of Insane

In institutions—State. The state maintains three general hospitals for the insane, but it is not insisted upon that all insane persons shall be cared for in these institutions.

Local. In counties having almshouses the insane who can not be admitted to the state hospitals may be cared for in them. The county commissioners have responsibility for such cases and manage the almshouses.

3. Commitment

a. Classes committed. All persons who have been judged
112. insane by a court of competent jurisdiction (public patients) are entitled to admission to the state hospitals. Persons certified to be insane by some reputable physician in accordance
119. with law (private patients) may be admitted. Idiots who can safely be kept in the county in which they belong and persons

suffering from an infectious or contagious disease are excluded from the hospitals.

b. Legal procedure in commitment. Before any person can be received at a hospital as a patient, the parent or legal guardian of such person or some near relative or other person interested must present a written request to the superintendent, giving such particulars as may be required. The request must be under oath and accompanied by an affidavit of the examining physician showing that he has made a careful examination of the patient, and thoroughly believes him to be insane, and by a certificate from the county judge of the county where the alleged insane person resides. A complete history of the patient must be forwarded to the medical superintendent with the application for admission. 113.

If information in writing be given any county judge that any person in his county needs to be placed under restraint because of insanity, the county judge must fix a hearing of the case before a jury of six men of the county, the state being represented by the county attorney. The various issues to be submitted to the jury are minutely specified, and relate not only to the question of the defendant's sanity or insanity, but to his age, nativity, the character of attacks and their duration, whether insanity is hereditary in his family, whether the defendant is possessed of any estate, and whether there are any persons legally liable for his support. Upon the return of a verdict that the defendant is of unsound mind, it is the duty of the county judge to seek the commitment of such person to a hospital for the insane without delay, provided there is sufficient accommodation. 128. 130. 135.

If accommodations can not be provided for all persons for whom application has been made, preference must be given in all instances to public over private patients, and of the former class, to cases of less than one year's duration over chronic cases. No private patient may be admitted during the pendency of an application by a public patient. 118.

c. Appeal from commitment.

d. Cost of commitment. The cost of commitment and of transporting an insane person to a hospital is paid by the Supplement, 1904, 142a.

county from which he is sent unless he has sufficient estate to bear the expense.

4. Conveying Patients to the Hospital

Upon the warrant of the county judge, the sheriff or some other suitable person must convey him to the hospital.

5. Transfer of Patients

6. Parole and Discharge of Patients

120. All patients, except those charged with or convicted of some offense and adjudged insane, may be discharged from a hospital at any time upon the recommendation of the superintendent approved by the board of managers. Any patient coming within the above exception may only be discharged upon order of the court by which he was committed.

7. Cost of Maintenance

115. All indigent public patients are maintained at the expense of
116. the state. All public patients not indigent must be maintained at the expense of the state in the first instance, but in such cases the state is entitled to proper reimbursement.

Laws of 1911, Chap. 116. The commissioners court has power to provide for the support of idiots and lunatics who can not be admitted into the lunatic asylum, residents of their county, who are unable to support themselves. By the term resident as used herein, is meant a person who has been a *bona fide* inhabitant of the county not less than six months and of the state not less than one year.

8. Criminal Insane

Supplement, 1904, 128. If information in writing and under oath is given to any county judge that an insane convict is confined in the state
130. penitentiary, he must fix a day for a hearing at the state penitentiary. The county judge must also summon a jury of six competent jurors to hear and determine the matter.

Code, 1897. 122. When a convict is discharged from a state penitentiary, and is insane at the time of his discharge, and is so adjudged by a competent court within thirty days, he must be conveyed to one of the hospitals for the insane, at the expense of the state.

UTAH

Authorities:

Compiled Laws of Utah, 1907
Laws of 1909

1. Administration and Supervision

a. General. The board of insanity, consisting of the governor, state treasurer and auditor have the supervision and control of all insane persons in the state, whether they reside in the hospital or some other place. 2155. 2160.

b. Institutional, administrative and supervisory agencies. The board of insanity has the general control and management of the affairs of the state mental hospital. It is required to hold monthly meetings at the hospital and must make a careful inspection of the institution at least once in three months. 2158. 2159.

The board appoints a medical superintendent who must be a well educated, experienced physician who has practiced five years. With the approval of the board, he appoints all attendants and employees, fixes their compensation and has power to remove them. 2163.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains one institution for the insane, called the State Mental Hospital.

Local. The county commissioners, who are the overseers of the poor, are bound to provide for such insane as may not be received at the hospital and may care for them at poor farms or other institutions.

3. Commitment

a. Classes committed. All insane persons who are residents of the state are entitled to admission to the hospital, also feeble-minded and non-insane epileptics capable of mental improvement, but other feeble-minded, a purely senile dement, a person in an unconscious condition, an infant, a child under ten years of age, and a person suffering from a contagious or infectious disease are not admitted. 2175. 2154.

b. Legal procedure in commitment. Application for admission of patients must be made to the judges of the district courts, except in cases otherwise provided for. In the absence Admission of patients. 2168.

of a district judge, the judge of any other district may act upon the application at the written request of the clerk of the district court of the county wherein the alleged insane person resides, or the chairman of the board of county commissioners may so act.

Form of application. 2170. The application for admission to the hospital must be in the form of an information, properly verified, alleging the person for whom application is made to be insane, and a proper person for care and treatment,. and stating facts in regard to his residence, etc.

Judicial hearing. 2171. The district judge of the county may examine the informant under oath and require the person for whom admission is sought to be brought before him. If satisfied that there is reasonable cause, a hearing must be had, and the district

2172. attorney notified. Any citizen of the county or any relative or a friend of the person for whom application is made may resist the application, and may appear by counsel. The district attorney must represent the state in such examination. The judge must summon two practicing physicians before whom the examination is to be conducted.

Certificate of physicians. 2173. The physicians must certify under oath whether or not the person is insane, whether the case is of recent or curable character, whether the person has a homicidal, suicidal or incendiary mania. They must also obtain from others correct

2175. answers to the interrogatories of the certificate as prescribed by law. If the judge upon the conclusion of his investigation finds the person insane, and one who ought to receive care and treatment at the hospital, he must order his commitment.

When discrimination in reception of patients is necessary, they take precedence in the following order: 1, cases of less than one year's duration; 2, chronic cases of more than one year's duration presenting the most favorable prospects for recovery; 3, those for whom application has been longest on file. When cases are equally meritorious, indigent patients are to be preferred.

2193. When notified by the board of insanity or the superintendent of the hospital that a person committed to the hospital can not be received for want of room, the board of county commis-

sioners must provide suitably for him until admission can be had, or the occasion for it no longer exists.

Non-residents of Utah, conveyed to or coming into the state, may, upon the written recommendation of the board of county commissioners, be returned by the board of insanity to their homes or friends, and must not be permitted to be supported in the hospital. But persons stricken with insanity while traveling through or temporarily sojourning in the state may be committed to and cared for temporarily in the hospital. Commitment of non-residents. 2182.

Application for the admission of feeble-minded and non-insane epileptics is made to the superintendent of the state hospital, who must examine the application and submit it to the state board of insanity, which has authority to admit or reject the applicant. Application may be made by the guardian, parent or friend of the applicant, or by the chairman of the board of county commissioners of any county or a member thereof. 2154. as amended by Laws of 1909.

c. Appeal from commitment. Upon an affidavit or other evidence that a patient in the hospital is not insane or not a proper person to be cared for at the hospital, the board of insanity must ask inquiry by the district judge of the district in which the patient is held. If the patient is found to be sane, he must be discharged; if not, the judge must order his continued detention, and may order the parties demanding the inquiry to pay its cost. 2185.

d. Cost of commitment. The cost of commitment is paid by the county from which the patient was sent unless he has estate sufficient to pay the same.

4. Conveying Patients to the Hospital

The sheriff or other person appointed to execute the warrant of the district judge must convey the patient to the hospital and deliver him, together with the copies of information, physicians' certificates and warrant, to the superintendent of the hospital. No female may be taken to the hospital without the attendance of some other female or relative. If any relative or immediate friend, who is suitable, shall request, he has the privilege of executing the warrant in preference to the sheriff. 2177. 2181.

5. Transfer of Patients

6. Parole and Discharge of Patients

2183. By order of the judge of the district court issuing the commitment, a patient may be returned to his relatives or friends. Application must be made to the judge, and satisfactory evidence produced that the patient will be given proper care. The applicants must give bonds to the district court of the
2184. county. If subsequently it is brought to the knowledge of the judge that a person thus removed from the hospital is not properly cared for or is not fit to be at liberty, he may order the return of such person to the hospital; but no patient under a criminal charge or conviction may be discharged from the hospital without the order of the court having jurisdiction
2185. of the case. If it appear upon sufficient evidence that any patient in the hospital is not insane or is unjustly deprived of his liberty or is not one who should receive care and treatment in the hospital, the board of insanity must request immediate inquiry by the district judge who may order his immediate discharge.

Kind of patients to be discharged. 2186. When it becomes necessary for want of room or other cause to remove any patient, the superintendent must give notice to that effect to the several clerks of the district courts. Only harmless and incurable patients may be removed by the board of insanity.

7. Cost of Maintenance

2180. The state pays the cost of maintaining all indigent patients.
2178. In case a patient has sufficient means to pay any part of the cost of maintenance at the hospital, the judge must appoint a
2499. guardian for him. The immediate relatives of an insane person are liable for his support.

Recovery for support. 2187. Provision is made for the reimbursement to the state from the estate of persons declared insane and for the recovery of expenses of commitment and support in the case of non-indigent persons, for the appointment of a guardian under bond in the case of non-indigent insane who are committed, and for recovery from persons liable for the support of an insane relative.

8. Criminal Insane

5053. When a person charged with crime has escaped indictment or been acquitted on trial by reason of insanity, or when a

person during trial or while confined as a criminal in the state prison or a county jail becomes insane, the district judge of the county must act in the case and may submit the matter to a jury. 5054.

If the jury find the defendant insane, he must be committed to the state mental hospital, provided, the court deems his freedom a menace to public quietude. Proceedings against the defendant must be suspended until he becomes sane. 5057.

A person thus committed must be detained at the hospital until he becomes sane. If then his sentence has expired, he must be restored to liberty. Otherwise, the superintendent must give notice of his recovery to the sheriff of the county from which he was sent, who must place him in proper custody until he is brought to trial or judgment, or return him to prison to serve out the remainder of his term. The time of his confinement in the state mental hospital must be deducted from his term. 5059.

The expenses of the examination and sending of such persons, except convicts in the state prison, to and from the state mental hospital, are chargeable to the county from which they have been sent. But the county may recover from their estates, or from a relative legally bound to care for them, or from the county of which they may be resident. In the case of an indigent insane convict, the costs are borne by the state. 5060.

VERMONT

Authorities:

Public Statutes of Vermont of 1906 as amended in 1910

Public Acts of Vermont, 1908

1. Administration and Supervision

Supervisors of the insane. 3741.

a. General. A board of three persons, appointed by the governor for terms of six years, constitute the state board of supervisors of the insane. Two members of such board must be physicians, and none of them may be connected with

3743. an insane hospital in the state. The board must visit the state hospital and the Brattleboro Retreat, examine their condition and management; hear the grievances of patients, investigate their cases, and particularly ascertain whether patients are in confinement who ought to be discharged.

3744. The board has the general supervision of idiots and persons *non compos* who have been discharged from a hospital or other place of confinement by its authority, and also of the insane of the state not in confinement.

The board must ascertain so far as possible the presence of insane persons, not criminals, confined at the expense of the state in an institution for the insane, who have no legal residence in the state, but who have a legal residence in some other state, and take measures to return them to the state where they properly belong.

The board may receive and have committed insane persons residents of this state, who have been apprehended and adjudged insane in another state, and are returned by the authorities of that state.

3795. The board of supervisors may license for not less than two nor more than six years any suitable person to keep a

3796. private hospital for the care and treatment of the insane, subject to visitation and the revocation of the license for cause.

3745. The board must make an annual report to the governor and the general assembly.

b. Institutional, administrative and supervisory agencies.

3768. The state hospital is under a board of trustees of three members, appointed by the governor for a term of six years. The

trustees must provide for the care and treatment of the criminal insane of the state in the state hospital and for the insane poor of the state in that hospital or in the Brattleboro Retreat, or both. The trustees have the general direction and control of all property and affairs of the Vermont State Hospital for the Insane, appoint a medical superintendent, who must be a well-educated physician experienced in the treatment of the insane, and also a steward, chaplain, matron and other necessary officers, attendants and assistants.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains a general hospital for the insane, with a special ward for the criminal insane, besides supporting patients at the Brattleboro Retreat, which is a hospital under private management.

Local. Insane persons who can not be cared for in the hospitals may be kept at almshouses under the charge of the overseers of the poor of the town.

3. Commitment

a. Classes committed. All insane persons, residents of the state are entitled to admission to the hospitals for the insane, except idiots and demented persons when they are not dangerous.

b. Legal procedure in commitment. Admission to a hospital for the insane as a patient or inmate is upon a certificate of his insanity made by two legally qualified physicians, residents of this state. The physicians must not be members of the same firm; officers of a hospital for the insane in this state, nor members of the board of supervisors of the insane. The physicians must make oath to the certificate before a magistrate, who must append his jurat, and certify that said physicians are of unquestionable integrity and skill. The certificate must not be made more than ten days before the admission of the insane person to the hospital for the insane, unless a longer time is required to dispose of an appeal taken from the decision of the physicians. The physicians are required to examine the supposed insane person not more than five days previous to making the certificate; and a physician who signs a certificate without making a previous examination

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shall, if the person is admitted to a hospital for the insane
3757. upon the certificate, be imprisoned not more than two years or fined not more than $1,000, or both.

Commitment on order or sentence of court. 3760. A person may be received into a hospital for the insane pursuant to an order or sentence of the supreme or county court without the physicians' certificate.

Voluntary commitment. 3764. The superintendent of a hospital for the insane may receive as a voluntary patient, a person who seeks treatment and makes written application without a certificate of two physicians. He may not be detained after having given 48 hours' notice in writing that he desires to leave the institution.

5757. *c. Appeal from commitment.* The next friend or relative of a person whose insanity is so certified may appeal from the decision of the physicians to the board of supervisors of the insane for a review of the case. An alleged insane person may not be received in a hospital for the insane while an appeal is pending before the board of supervisors.

3720. *d. Cost of commitment.* The costs of the examination and removal of an insane person are chargeable to the town of his residence when the town authorities seek his commitment.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

3747. The board of supervisors may discharge conditionally an incurable insane person from a hospital, subject to revocation.

3781. The superintendent of the Vermont State Hospital for the Insane or of the Brattleboro Retreat may grant a furlough of not exceeding thirty days to any patient or inmate under his charge supported in whole or in part by the state, and may extend it in his discretion, not exceeding thirty days in the aggregate.

3747. Persons who have recovered are discharged on the order of the supervisors of the insane, but not without the consent of the superintendent.

7. Cost of Maintenance

Support of indigent insane. 3715. Insane persons in a town, destitute of means of support, and having no relatives in the state bound by law to support them, are supported by the state while in a hospital for the

insane. On application of the overseer of the poor of such town, the selectmen must ascertain whether the insane person is liable to be supported by the state, and may institute a court of inquiry before the judge of probate. The inquiry must be attended by the state's attorney of the county for the protection of the interests of the state. 3716. 3717.

When a person is lawfully discharged from a hospital or the Retreat, the town causing his commitment must take charge of and support him. Support of person discharged. 3721.

No patient may be supported in the state hospital or the Retreat entirely at the expense of the state unless he is removed upon the order of a judge of probate, or from the state prison or house of correction, or upon the order or sentence of the supreme or county court. Support in hospital. 3733.

8. Criminal Insane

The superintendent of the state hospital must receive all insane criminals ordered committed, for whom separate accommodations are provided. A person confined in the state prison or house of correction or a county jail for a specified time, or for life, who becomes insane may be removed to the Vermont State Hospital for the Insane only upon the order of the governor after expert examination as to his insanity, to remain until the expiration of the term for which he was committed. If he becomes sane before its expiration, he must, upon the order of the governor, be returned to the institution to which he was originally committed and confined there for the remainder of such term. A prisoner who, at the expiration of his term of confinement, remains insane, may be removed to the state hospital; or if already there, may remain, at the expense of the state, until his residence is ascertained or some relative is ordered by the proper court to furnish his maintenance. Acts, 1908, 180. 6062. 6064.

VIRGINIA

Authorities:

Code of Virginia, 1904

Supplement to Code of Virginia, 1910

Laws of Virginia, 1911

1. Administration and Supervision

Supplement, 1910, p. 797, 1,

a. General. The state board of charities and correction is composed of five members, appointed by the governor for terms of five years, subject to removal by him for cause.

2. Failure to attend at least one meeting during the year, unless excused, may be construed by the governor as a resignation of the non-attending member.

8. The duties of the board are strictly visitorial and advisory, without administration or executive powers. It must visit as a whole, or by a committee or by its secretary, all state, county, municipal and private charitable and correctional institutions at least once a year, but the hospitals for the insane must be visited as often as once in six months and by at least two members of the board.

9. Every superintendent of a hospital must make a quarterly

12, report to the board in such form as it may prescribe. The board must collect and publish statistics in regard to the

13. defective classes both in and out of institutions and make an annual report to the governor.

b. Institutional, administrative and supervisory agencies.

1660. Each of the hospitals for the insane has a special board of

1662. directors consisting of three members, appointed by the governor for terms of six years. The directors of the special boards constitute a general board of directors for all the hospitals. The ex-officio chairman of the general and special boards of directors is the commissioner of hospitals, appointed by the governor for four years.

Powers and duties of special and general boards of directors. 1662. 1663.

Each special board of directors is required to hold twelve regular meetings at the respective hospitals during the year. The general board of directors during each year holds one regular meeting at each hospital for the insane. The general board of directors, constituted for the control and management of all the state hospitals, appoints for each hospital for

a term of four years a superintendent who must be a skilled physician, and who is removable by the board for cause. The general board fixes the compensation of the superintendents. The special board of each hospital, subject to the approval of the general board, appoints for terms of four years all other resident officers and fixes their compensation. Each special board is required to make an annual report to the governor in regard to the hospital under its management.

The superintendent of each hospital appoints all employees (except resident officers), may remove them and fixes their compensation, subject to the approval of his special board.

Duties of commissioners of state hospitals. 1664.

The commissioner is responsible for the proper disbursement of all moneys appropriated or received for the maintenance of the hospitals. He must be a skilled accountant and is required to establish at all of the hospitals a uniform system of keeping records and accounts, and to make annually to the governor a complete record of the business affairs of each hospital, with estimates of moneys needed, and recommendations for the improvement of the hospitals and their management.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains four general hospitals for the insane, one of which is set apart for the exclusive care of colored patients. There is a special ward in the state penitentiary for insane convicts.

Local. Insane persons who can not be received into the state hospitals may be provided for in the county poor-houses which are under the management of the boards of county supervisors. The overseers of the poor of each county or the council of a town are charged with the relief of the poor, including the insane.

3. Commitment

a. Classes committed. All legal residents of the state, who are insane, not idiots, are entitled to admission to the hospitals for the insane.

Admission of pay patients. 1677.

The examining board may receive any person for whom application is made for admission to a hospital if the person making it executes an obligation, with sufficient surety for the

payment of the cost of maintenance and care of the insane
1678. person and other necessary expenses. But no non-resident insane person may be admitted or retained in any hospital under any contract with the board except when there is a vacancy not applied for on behalf of a resident of the state. A non-resident pay patient may at any time be discharged by the board, which must do so if it is necessary in order to make room for a resident of the state.

Proceedings in committing the insane. 1669. *b. Legal procedure in commitment.* Any county or corporation judge, or any justice of the peace, who suspects any person in his county or corporation to be insane, or upon the written complaint or information of any respectable citizen, must order the presence of such person, and summon two licensed and reputable physicians (one of whom must, when practicable, be the physician of the suspected person, but neither may in any manner be related to him or have an interest in his estate). The judge or justice and the two physicians constitute a commission to inquire whether the person is insane and a suitable subject for treatment in a hospital for the insane, and for that purpose must summon witnesses. The physicians must, in the presence of the judge or justice (if practicable), by personal examination and by inquiry satisfy themselves and the judge or the justice as to the mental condition of the person examined. If the two physicians do not agree a third is to be summoned. The report of the commission must consist of a statement with questions and answers prescribed by the law, and of any further information bearing on the insanity of the person being examined. The record of proceedings together with the warrant of commitment must be made in duplicate, one copy to be delivered to the sheriff or sergeant of the county or city, and the other to be filed in the office of the county.
1670. If the commission decides that the person be insane and ought to be confined in a hospital, and ascertains that he is a citizen of the state, the judge or justice must order him confined in jail pending conveyance to a hospital for the insane, or may commit him to the custody of some respectable person, who must furnish security for his proper safe-keeping without cost to the commonwealth until he is taken to the hospital

or discharged from custody. The justices may, upon request of the patient's friends, commit him to a private sanitarium, to be confined there until removed by his friends or delivered by the physician in charge; but in no event may any patient be kept in any such institution for a period exceeding four months.

Disposition of the insane after commitment. 1672.

The sheriff or sergeant to whose custody an insane person has been committed, must on the same day the person is adjudged insane make application for admission to the nearest appropriate hospital, unless instructed otherwise by the commissioner of hospitals, transmitting with the application a copy of the record of proceedings before the commission. As soon as the record of proceedings before the commission of lunacy is filed in the office of the county clerk or clerk of the county court, the clerk must at once notify the commissioner of state hospitals for the insane, giving the name, age, sex and color of the insane person, the date of the finding of the commission, and the custody to which he was committed. If the insane person has been committed to jail, and remains there after six days from the date of the finding of the commission, the clerk must notify the commissioner of state hospitals. If the superintendent of a hospital fails to send for any insane person confined in jail within six days after his commitment thereto, the commissioner of state hospitals for the insane must order the sheriff or sergeant in whose custody the insane person is to convey him to some hospital.

Examination at hospital of persons adjudged insane. 1674.

A person admitted to a hospital as insane must be detained until the superintendent and his assistants have ample opportunity to observe and examine him. If they are of the opinion that he is not insane, he must, unless he be charged with or convicted of crime, be returned by the hospital authorities to the county or city from which he was committed, with a certificate of discharge.

Disposition of non-resident insane. 1676.

If a commission in lunacy finds the person examined by it insane and a non-resident of the state, the same proceedings are to be had as if he were a resident. A statement of the fact of his non-residence and place of domicile, must accompany any order respecting him; and the board, if sent to a

hospital, or the court to whose jail he may have been committed, must have him returned to his friends, if known, or the proper authorities of the state or county from which he came if practicable.

Appointment of guardian. 1697. If a person be found to be insane by a judge or justice of the peace, or in a court in which he is charged with crime, the court of the county or corporation in which he is an inhabitant must appoint a committee for him.

Laws of 1911, Chap. 168, 1698. If a resident of the state is suspected of being insane, but has not been so found, the court of his county or corporation must upon proper application examine his state of mind and appoint a committee of his person if he is found insane.

1699. A similar procedure except as to examination is prescribed in the case of a non-resident who is suspected of being insane and who has property in the state.

1675. *c. Appeal from commitment.* Any person held as insane may by means of a writ of habeas corpus have the question of the legality of his detention and of his sanity determined by a court of competent jurisdiction. If he is in custody, he may file his objection in the circuit court of the county or city in which he resides, or in which he was adjudged insane, and after notice to the authorities of the hospital or to the person claiming the right to the custody of such person, the court must determine whether the person is sane or insane.

1671. *d. Cost of commitment.* All expenses incurred in committing a patient to any state hospital are to be borne by the county or corporation from which he is sent.

4. Conveying Patients to the Hospital

1673. The superintendent of a hospital must forthwith send a guard from the hospital to conduct the insane person for whom application for admission has been made. Or the superintendent may appoint some other suitable person for the purpose or may order the sheriff or sergeant of the county or city to convey him to the hospital. The cost of conveying insane persons to the hospital is paid from the funds appropriated for this purpose by the state.

5. Transfer of Patients

6. Parole and Discharge of Patients

The superintendent of a hospital must in suitable cases grant furloughs to insane patients for such time as, in his judgment, may benefit them; but all costs of removal for furloughs must be paid by the patients or friends, if able to do so. 1688.

When an insane person confined in a hospital or jail is restored to sanity, the superintendent or the court must discharge him and give him a certificate of discharge. 1688.

Except in the case of a person charged with crime or convicted of crime, the superintendent of any hospital or the court of any county or corporation, may deliver an insane person to a friend who will give bond with surety for his maintenance. When an insane person, except as aforesaid, is deemed by the superintendent both harmless and incurable, he may deliver him without bond to any friend who is willing and able to take care of him without cost to the commonwealth. If a friend into whose charge an insane person has been given delivers him to the sheriff of the county or sergeant of the corporation, according to the condition of the bond, the latter must bring the insane person before a judge or justice of his county or corporation for a re-examination. Delivery of insane persons to their friends. 1683. 1684.

7. Cost of Maintenance

The expenses of removing and supporting insane persons are paid out of the state treasury upon the order of the commissioner of hospitals. But when the insane persons have sufficient estate, it must be applied to such expenses. 1680.

The commission or court ordering an insane person to be confined in a hospital must cause a certificate of his estate, or, if the person be a married woman or infant, who is not an orphan, of the estate of the husband and any separate estate of the wife, or estate of the parent, and also of the probable annual profits of such estate, to be sent to the directors of the hospital, and to the next court or corporation of which the insane person is an inhabitant. 1691.

8. Criminal Insane

When a person is confined in a jail as insane, the jailer must certify the fact to the court of the county or corporation at its next ensuing term, and the court must have the person 1692.

examined by two disinterested persons, and thereupon make such provision for his maintenance and care as his situation requires.

Contracts for the care of insane confined in jail. 1693.

The court in whose jail any insane person is confined may contract with some fit person for the maintenance and care of such person out of the jail until he can be received into a hospital.

Disposition of insane criminals. 1682.

If any person charged with crime is found by the court to be insane, and the court orders him confined in one of the state hospitals for the insane, or if a court orders any person charged with crime to be confined in one of the state hospitals, he must be received there. Pending a vacancy at the hospitals, the insane person must be kept in the jail. If any person convicted of crime and sentenced to confinement in the state penitentiary becomes insane during the term for which he was sentenced, he must be confined and treated in a special ward in the state penitentiary to be set aside and reserved for insane criminals.

Disposition of insane person charged with crime when restored to sanity. 1687.

When any person confined in a hospital and charged with crime, or convicted of crime, is restored to sanity, the superintendent must notify the clerk of the court by whose order he was confined, and deliver him in obedience to the proper precept.

WASHINGTON

Authority:

Codes and Statutes of Washington, 1909

1. Administration and Supervision

a. General. The state board of control consists of three citizens of the state, no more than two of whom may belong to the dominant political party, appointed by the governor for six years, and removable at his discretion. Each member of the board receives a salary of $3,000 per annum, and necessary expenses. 8931.

The state board of control has power to make all repairs and improvements that, in its judgment, may be necessary for the conduct of the hospitals under their charge. It takes charge of the general interests of the hospitals, supervises the transportation of patients, employs superintendents; and may prescribe the duties of all persons connected in any way with the management of the hospitals. Powers and duties of board. 5944.

b. Institutional, administrative and supervisory agencies. The superintendent must be a skillful practicing physician, and holds his office for such time as the state board of control may deem wise. He has entire control of the treatment of the patients and of all other internal government and economy of the institution, appoints all subordinate officers and employees and has entire direction of them. 5946.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane and a department for criminal insane, in connection with the state penitentiary. 8933.

Local. The indigent insane who can not be admitted to the hospitals must be cared for by their respective boards of county commissioners (except in certain incorporated cities with a special poor department) and may be provided for in the county almshouse.

3. Commitment

a. Classes committed. All insane persons, having a legal residence in the state, not idiots, imbeciles, harmless chronic dements or cases of acute mania *a potu,* have the right of 5959.

5960. admission to the state hospitals. Non-residents who come into the state while insane may be committed for temporary care in the case of persons becoming insane while traveling in the state, or of sailors becoming insane upon the high seas.

b. Legal procedure in commitment. The superior court of any county, upon the application of any one under oath alleging that any person by reason of insanity is unsafe to be at large, must have such person before him, and summon witnesses and two reputable physicians before whom the judge must examine the charge, unless the accused or any one in his behalf demands that the question of insanity be decided by a jury. If no jury is demanded, and the physicians certify under oath that the person examined is insane, and the case is of a recent or curable character, or that the insane person is of a homicidal, suicidal or incendiary disposition, or that he would be dangerous to his own life, or the lives and property of the community in which he may live, the judge must commit him to one of the hospitals for the insane if he believe that the proper facts of insanity have been established.

Preference of admission—to whom given. 5964. If it is necessary for want of room, or other cause, to discriminate in the general reception of patients, a selection may be made in the following order: (1) recent cases, when the disease is of less than one year's duration; (2) chronic cases, of more than one year's duration, presenting the most favorable prospects of recovery; (3) those for whom application has been longest on file, other things being equal. Where cases are equally meritorious in all other respects, the indigent must be given the preference.

5969. The relatives or friends of any person charged with insanity in all cases have the right to take charge of and keep him if they desire so to do; but the superior judge may require them to give a bond for his safe-keeping.

1064. 1066. *c. Appeal from commitment.* Writs of habeas corpus may be granted for the protection of insane persons by the supreme court or superior court or by any judge of either court, and upon application the writ must be granted without delay.

5956. *d. Cost of commitment.* When a person is found to be insane, the costs of commitment must be paid by the county; but when the insane person is a resident of another county,

the county in which proceedings were had may recover all costs and expenses from the county of which the insane person is a resident.

4. Conveying Patients to the Hospital

When ordering an insane person sent to either hospital for the insane, the superior court judge must direct the sheriff to convey the insane person to the hospital, and transmit a copy of the complaint and commitment and physician's certificate, which must always be in the form as furnished to the courts by the superintendents of the hospitals. 5954.

The state board of control has charge and supervision of the transportation of insane persons to the hospitals for the insane and is vested with authority to employ necessary persons for such purpose. 8955.

5. Transfer of Patients

6. Parole and Discharge of Patients

Any patient may be discharged from the hospital when, in the judgment of the superintendent, it may be expedient. Indigent patients, when discharged, may be returned to the county from which admitted, at its expense. The superintendent must officially notify the proper superior judge, relatives or friends of the discharge or death of any patient, and give the date and reasons for such discharge or death. Each patient discharged must be furnished with suitable clothing and a sum of money not exceeding $10. 5967. 5968.

Upon presentation of evidence that friends or relatives will be able to provide proper care for an insane patient, the superior court judge issuing the commitment may order his removal from the hospital to the custody of such relations or friends. If it is brought to the knowledge of the judge that the patient thus removed is not cared for properly, or is dangerous to persons or property, he may order him returned to the hospital. Removal of patients to relatives or friends. 5962.

7. Cost of Maintenance

Indigent patients are supported at the cost of the state unless they have estate sufficient to defray it.

8. Criminal Insane

The superior courts of the state have power to commit to the hospital for the insane any person who upon being arraigned for an indictable offense is found by the jury to be insane.

5979. The prosecuting attorney of any county wherein a person may have been acquitted of a crime because of insanity may have him brought before the superior court of that county for trial by jury as to the question of his sanity. If the jury finds that the defendant committed a crime, that he was acquitted because of insanity, and that he is insane and unsafe to be at large, he must be committed to the department for criminal insane. Either party may appeal to the supreme court as in other cases.

Discharge of insane criminals. 5975. When any person committed as criminal insane claims to have recovered, he may apply to the physician in charge of the criminal insane for an examination. If the physician certifies to the warden that there is reasonable cause to believe that such person has become sane since his commitment and is a safe person to be at large, the warden must send him to prison and petition to the court that committed him, to discharge him. The prosecuting attorney of the county must resist the application at a trial by jury. Either party may appeal to the supreme court from the judgment discharging the petitioner or remitting him to custody. If the petitioner subsequently claims to have become a sane person, he may upon a certificate of probable cause by the attending physician again petition for discharge, under the same proceedings.

5976. When a criminally insane person who has been discharged again becomes insane, the prosecuting attorney of the county from which he was committed may petition for his recommitment and trial by jury in regard to his mental condition.

5977. Any person committed to the department for criminal insane must not be discharged from the custody of the warden except upon the order of a court of competent jurisdiction made after a trial and judgment of discharge.

WEST VIRGINIA

Authorities:

Code of West Virginia, 1906
Supplement to Code of West Virginia, 1909

1. Administration and Supervision

a. General. The state board of control is composed of three members chosen from the two largest political parties, not more than two of whom may belong to the dominant party, and appointed by the governor for terms of six years. Each member of the board receives a salary of $5,000 a year and is obliged to give his entire time to the public institutions under its control. Board of control. 503a1. Supplement.

The board has full power to manage, direct, control and govern the hospitals for the insane, but the appointment of superintendents is vested in the governor. The board has the power to recommend to the governor the removal of any superintendent and fixes the number of all subordinates and their compensation. The board reports biennially to the governor. Powers and duties of board. 503a3. 503a9.

Biennally a joint committee of the legislature must investigate the condition of the hospitals for the insane and report upon it.

b. Institutional, administrative and supervisory agencies. The superintendent and his medical assistants must be physicians and graduates from reputable medical colleges.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains three hospitals for the insane, one of which has a separate department for colored patients.

Local. An overseer of the poor is appointed by the county court for each magisterial district and is responsible for the care of indigent persons who are not provided for in public institutions. Every county court may establish a county infirmary to which homeless indigent insane are admitted on the order of the overseer of the poor or the county court.

3. Commitment

a. Classes committed. All persons, except idiots, who are residents of the state and have a legal settlement in any county are entitled to care and treatment in one of the state hospitals for the insane. Non-residents may, however, be admitted under contract with the board of control if there is a vacancy in any hospital. A non-resident so admitted may be discharged at any time to make room.

Code, 1906, 2644. 2645.

b. Legal procedure in commitment. Any justice who suspects any person in his county to be a lunatic must issue his warrant ordering such person to be brought before him for examination, and for that purpose must summon a physician and any other witnesses. If the justice decide that the person is a lunatic, and ought to be confined in a hospital and ascertains that he is a citizen of the state, then, unless some person (to whom the justice in his discretion may deliver the lunatic) will give bond with sufficient surety to restrain and take proper care of him until he recovers, or the lunatic is delivered to the sheriff of the county, to be proceeded with according to law, the justice must order him to be removed to the nearest

2646. hospital. The interrogatories to the witnesses and the answers must be in writing, and, together with a written statement by the justice to the fact of insanity, must be transmitted with the order of commitment. Pending a vacancy at one of the hospi-

2647. tals, and until the superintendent removes him, the patient must be kept in the jail of the county. It is the duty of the superintendent of whom inquiry has been made to cause the removal of the patient to the proper hospital without delay.

2649. When the patient arrives at the hospital an examining board must be convened, and if they concur in opinion with the

2650. justice, must receive and register him as a patient. If the examining board refuses to receive the patient because in their opinion he is not a lunatic, they must so certify in writing to the officer in whose custody he may be, who must convey him back to the county in which he was examined, and confine him in the jail until he be lawfully discharged or removed.

Examination of persons confined in jails as lunatics. 2663.

When any person is confined in any jail as a lunatic, the jailer must certify the fact to the circuit court of the county at the next ensuing term. The court must cause him to be

examined by two disinterested persons and make such provision for his maintenance and care as his situation may require.

Disposition of non-resident lunatics. 2651.

If it appear to the justice that the person examined by him is a lunatic and a non-resident of the state, he must be committed to jail. If any non-resident be received into a hospital under such order, or be committed to jail, the board in one case, and the court in whose jail he may have been committed in the other, must, as soon as practicable, cause him to be returned to his friends, or to the proper authorities of the state from which he came, and the expenses incurred shall be paid out of the state treasury. But if the justice can not ascertain of what state the lunatic is a resident, the lunatic may be received into the nearest hospital, to be kept until information is received as to his residence.

3605.

c. Appeal from commitment. The writ of habeas corpus must be granted by the supreme court of appeals or the circuit court to a person who by himself or by some one in his behalf applies by petition, showing evidence that he is detained without lawful authority.

2662.

d. Cost of commitment. If not previously paid by individuals, the expense of removing an insane person to and from the hospital is paid out of the treasury of the hospital.

4. Conveying Patients to the Hospital

5. Transfer of Patients

6. Parole and Discharge of Patients

2660.

When any person in a hospital or in a jail as a lunatic is restored to sanity, the examining board, if he be in one of the hospitals, and the circuit or county court of the county if he be in jail, must after examination discharge him from custody and give him a certificate thereof.

2656.

Except in the case of a person charged with crime and subject to be tried therefor, or convicted of crime and subject to be punished therefor, the board of the hospital or the circuit court of any county may deliver any lunatic confined in a hospital or in the jail of such county, to any friend who will give bond with security for his care and maintenance. When the lunatic, except as aforesaid, is deemed by the superintendent of any of the hospitals both

harmless and incurable, the board may deliver him without such bond to any friend who is willing, and, in the opinion
2657. of the board, able to care for him. Persons discharged on bond may be surrendered to the sheriff of the county, according to the condition of the bond, who must confine the lunatic in the jail of his county, until a vacancy shall occur in one of the hospitals.

7. Cost of Maintenance

The expense of the maintenance and care of any lunatic confined in a hospital must be paid out of the treasury of the hospital; and, if he is kept in jail the expense of maintenance and care must be paid out of the public treasury.

8. Criminal Insane

2655. If any person charged with or convicted of crime is found to be a lunatic, the court must order him to be confined in one of the hospitals for the insane as soon as there is a vacancy.
2659. When such a person is restored to sanity, the board must give notice thereof to the clerk of the court by whose order he was confined, and deliver him in obedience to the proper precept.

2668. If a person is found to be insane by the justice before whom he may be examined, or in a court in which he may be charged with crime, the circuit court of the county of which he is an
2669. inhabitant, must appoint a committee for him. If a person residing in this state is suspected to be insane, the circuit court of the county of which he is an inhabitant, must on the application of any person interested and after five days' notice to the person so suspected proceed to examine into his state of mind, and, being satisfied that he is insane, appoint a com-
2670. mittee for him. The same procedure is provided for in the case of a person residing out of the state, but having property therein, who is suspected of being insane.

WISCONSIN

Authorities:

Statutes of Wisconsin, 1898
Supplement to Statutes of Wisconsin, 1906
Laws of Wisconsin, 1907, 1909, 1911

1. Administration and Supervision

a. General. The state board of control is composed of five members, one of whom must be a woman, appointed by the governor for terms of five years. Each member receives a salary of $2,000 per annum. The board has the entire management of all the state institutions. It is required to inspect each hospital at least once a month. The board acts as a commission in lunacy, with power to examine any person committed to any public or private hospital for the insane or who is restrained of his liberty by reason of alleged insanity at any place, and may order the discharge of any person who is not insane, except one held for trial on a criminal charge or confined by a court in a criminal proceeding. The board must each year file with the secretary of state a statement giving the name of every inmate in either of the state hospitals for whose support in whole or in part any county is legally chargeable, the length of time for which support is charged, and the amount due the hospital for the support of such inmate from a county. The board of control also has the duty of inspecting each county asylum at least once in three months, supervising and controlling the care of their patients, and examining plans and specifications for such asylums.

Supplement, 561a. Code of 1898, 561c. 561f. 561e. Supplement, 564.

The governor must annually appoint a visiting committee of three, one from the members of the senate and two from the members of the assembly, to visit the state hospitals and report in writing to the governor.

Visiting committee. Code of 1898, 562b.

b. Institutional, administrative and supervisory agencies. The board of control appoints for each hospital a superintendent, an assistant physician, a matron and a steward. It fixes the number of subordinate officers and may remove any officer and employee for cause. All staple supplies for the state hospitals are purchased by the board which also passes

Code of 1898, 561j.

monthly in advance on all estimates for expenditures, and plans and supervises all improvements.

County asylums, Supplement, 604a.

Each county asylum for the care of the chronic insane is governed by a board of three trustees elected by the county board for terms of three years. The trustees are required to meet at least once in three months and to make an annual report to the county clerk. In any county maintaining both a poorhouse and a county asylum for the insane, the trustees of the latter are ex-officio superintendents of the poor, unless

604h.

the county board orders otherwise. The board of trustees appoints a visiting physician and a superintendent of the county asylum. All other officers are appointed by the superintendent, subject to the approval of the board of trustees.

2. Provisions for the Care of the Insane

In institutions—State. The state maintains two general hospitals for the insane, designed for new and acute cases.

Local. The Milwaukee county hospital, which is managed as a county asylum, also receives new and acute cases. The chronic or incurable insane are provided for in the county asylums of which there are thirty-three in the state. Any

Code, 1898, 603, 604.

county board may with the consent of the state board of control establish an asylum for the care of the chronic insane.

604i.

Plans of buildings must be approved by the state board of control. Two or more counties may unite in maintaining an asylum.

Laws of 1911, Chap. 461.

A county board may erect a hospital for insane patients who are affected by pulmonary tuberculosis in connection with a county asylum for the chronic insane, with the consent of the board of control.

3. Commitment

584.

a. Classes committed. All insane residents of the state, not idiots, except those who are incurably insane, are entitled to admission to the state hospitals or if from Milwaukee county to the hospital of that county. Chronic insane are admitted to the county asylums for this class.

583, as amended by Laws of 1909.

Patients are admitted to the state hospitals from the several counties in the ratio of population, but each county is entitled to the admission of at least two if desired. An insane person

whose residence can not be ascertained must be received by the superintendent as a patient from the state at large, and not be charged to the county as one of the number to which it is entitled. But such person must be charged to the proper county when his residence is ascertained.

b. Legal procedure in commitment. Application may be made in behalf of a person supposed to be insane by any three respectable citizens to the judge of the county court for a judicial inquiry as to his mental condition and for an order of commitment to some hospital or asylum for the insane. The judge must appoint two competent and disinterested physicians to examine the person. They must be graduates of a legally incorporated medical school or licensed to practice medicine in the state, and must have had at least two years' experience as physicians in an insane hospital, and be registered by the county judge as qualified. Before making an examination, which may be held in the presence of the judge, the physicians must, if it seems expedient, notify the person to be examined that application has been made for an inquiry into his mental condition, but may withhold notice and the names of the applicants if it seems best, in which case they must state their reasons to the judge. The sworn report of the physicians must consist of answers to questions prescribed by law and are to be made in each case, whether the question of insanity is tried before a jury or otherwise, and must be forwarded with the commitment papers to the hospital superintendent. If the notice provided for was not given to the person supposed to be insane, the judge may appoint a time and place for hearing the application, and must serve such notice. If notice is ordered, and no jury trial awarded, the judge may proceed at the time and place specified in the notice, or if no notice is ordered then after receiving the report of the physicians, to make such further investigation of the case as may seem to him necessary. If satisfied that the person is insane, he may order his commitment to the hospital or asylum for the insane of the district to which the county belongs. If the judge thinks the interest of the person alleged to be insane requires it, he may appoint a guardian *ad litem,* the expenses to be paid by the county in which the proceedings

585, as amended by Laws of 1907.

585a.

585b. were held. If demanded by the person alleged to be insane or by any one acting in his behalf before or after commitment, the judge must summon a jury to try the case in the presence of the person supposed to be insane and his counsel and immediate friends and the medical witnesses. All other persons are excluded.

585c. If the jury or judge find that the person alleged to be insane is a fit subject to be sent to a hospital or asylum, the judge must order him committed to either state hospital. If he is a resident of a county having an asylum for the chronic insane, and the judge is satisfied that the insanity of the person has become chronic, he may commit him to such asylum.

District courts have authority to commit the insane. A district court in any county, which is a court of record, has the same powers in respect to examination of persons alleged to be insane and their commitment as the county courts.

Confinement of patient prior to commitment. 586. On receipt of an application for the commitment of a person alleged to be insane or the report of physicians, the judge may require the sheriff to confine him in some specified place until further proceedings can be had. The judge may also order the detention of any person whose sanity is being investigated for proper medical observation. But no person may be confined in a jail or other prison for confinement of criminals or any poorhouse, unless it appears to the judge that such confinement is essential to the safety of the person or that of the public, and the period of confinement must not exceed ten days, unless otherwise ordered by the judge. The county board of any county is authorized to provide suitable buildings for the purpose of temporary detention of the alleged insane.

Voluntary patients. Laws of 1911, Chap. 526. A person who may be insane or suffering from mental disorder, may, upon his written application stating his mental condition, supported by the certificate of at least two physicians possessing the qualifications prescribed by law, based upon personal examination of him, be admitted as a voluntary patient to any public hospital for the insane, in the discretion of the superintendent. A person, so admitted to either of the state hospitals, if not indigent, must pay such sum for his maintenance as the state board of control may direct, and no charge

for his maintenance may be made against any county; if so admitted to any other public institution for the insane, if not indigent, the trustees thereof fix the compensation to be paid. Voluntary patients have the right to leave the hospital at any time if in the judgment of the superintendent they are in fit condition, on giving five days' notice of their desire to do so.

c. Appeal from commitment. On his own verified petition or that of his guardian or some relative or friend, a person adjudged insane or detained as such, may have a re-trial or re-examination as to his sanity before the judge of the circuit court or county court or any other court of record in the county in which he resides or was adjudged insane. The judge receiving the petition must order two qualified physicians (sec. 585) to examine him and report, fix the time and place of examination and give reasonable notice to the guardian of the person to be examined, and to the superintendent of the hospital or asylum in which he may be detained, all of whom may appear and offer testimony at the examination. If the physicians report the person insane, and the judge is satisfied with the correctness of it, and no demand for a jury trial is made, a judgment to that effect must be entered. If the case is tried by jury and the jury disagree, it must be discharged and another jury may be impanelled. If the jury find the person sane, the judge must order his discharge, or, if insane, order him returned to the hospital or the asylum where he may be detained. Or if the person is on parole or leave of absence, he must be allowed to remain at large unless the judge is satisfied that it will be unsafe, in which case he may order his commitment to a hospital. In case no jury is demanded, the state board of control, acting as a commission in lunacy, may determine the sanity or insanity of a person committed to either of the state hospitals for the insane, whether he is an actual inmate thereof or at large on parole, or committed to any other hospital or asylum. Its determination has the same force as one made by a judge; or the board may, if it has reason to doubt the insanity of the person named, request the proper judge to make due inquiry. The foregoing provisions do not apply to any person awaiting trial on a

Supplement, 587.

charge of crime who is committed to any asylum or sentenced to confinement in the state prison or state reformatory, who has been lawfully adjudged insane and been transferred to either of those institutions or to any asylum, until the expiration of the term for which he was sentenced to imprisonment.

Supplement, 595. All persons confined in either state hospital, except those charged with or convicted of crime, are entitled to the benefit of the writ of habeas corpus, and the question of insanity must be determined by the court or judge issuing it. The decision that the person is insane is no bar to the issuance of a writ a second time if it is claimed that the person has been restored to reason.

Supplement, 585d. *d. Cost of commitment.* All expense of the proceedings, from the presentation of the application to the actual commitment or discharge of an insane person, whether he is a resident or non-resident of the county in which the proceedings are had, are paid by the county from which he is committed. If any county is chargeable with some portion of the expense of maintaining the person committed, the county must pay the expense of the commitment.

If the insane person is a resident of any other county in the state than the one from which he was committed, the county in which he resides must reimburse the county from which he was committed all expenses of the examination and commitment.

4. Conveying Patients to the Hospital

Code of 1898, 601. The warrant of the court to take a person to a hospital may be executed by a relative or friend of the patient if competent, otherwise by the sheriff. Every female over ten years of age must be accompanied by a competent female attendant.

5. Transfer of Patients

Code of 1898, 604b. All inmates of the state institutions for the insane belonging to the county and held as chronic or incurable may be transferred to county asylums, as well as all other persons belonging to or residing in the county, who have been adjudged insane, and may be properly confined in such an asylum. Whenever any insane person committed to an asylum is found to be

acutely insane, and to require permanent or special treatment, he may be transferred to one of the state hospitals, and committed to it.

The board of control may transfer patients from one hospital or asylum to another; and, if to the benefit of the patients in either of the state hospitals, may remove therefrom any chronic insane person not chargeable to any county to some county hospital or asylum. Statutes, 1898, 599.

6. Parole and Discharge of Patients

The superintendents of the state hospitals and of the Milwaukee county hospital may permit any inmate to go at large on parole, when in their opinion it is safe and proper to do so. If within two years it becomes unsafe to allow such person to remain at large any longer, the superintendent must require his return to the hospital, unless he has been adjudged sane by competent authority. At the expiration of two years, the presumption of insanity against such person ceases, and until a new adjudication to the contrary, it must be regarded as though his sanity had been established by a judicial examination. Supplement, 587c.

The superintendent of any county asylum may, upon the written recommendation of the visiting physician, permit any of its inmates leave of absence for such time and under such conditions as he may direct.

Incurable and harmless patients must be discharged whenever it is necessary to make room for recent or more hopeful cases, as may be ordered by the state board of control. Statutes, 1898, 596.

If the relatives or friends of any patient ask his discharge, except the criminal insane, before such person has recovered from insanity, the state board of control may require a bond, conditioned for his safe-keeping. 596.

7. Cost of Maintenance

All insane persons residents of the state admitted to state hospitals are maintained at the expense of the state; but the county in which the patient resided before being brought to the hospital must pay for all necessary clothing and a fixed sum per week for the patient's support. Relatives, friends or guardians of a patient may pay for his maintenance and pro- Statutes, 1898, 588.

vide him with special care or special attendants upon payment in advance of the expenses. When neither the state nor the county is properly accountable for the support of a patient in either hospital, the state board of control must ascertain the residence of the patient and secure his removal to it, if practicable; provided, it can be done at a cost not exceeding $100.

594.

Reimbursement by state.

Statutes, 1898, 604d.

Each county caring for its own chronic insane in an asylum is entitled to receive a stated sum per week for each person cared for. But no county is entitled to any compensation for the care of any person who has not been adjudged insane and properly committed, nor for the care of any insane person whose support is not properly a public charge.

604e.

Statutes, 1898, 585c.

In no case may payment be made by the state toward the maintenance of a patient in a county asylum until the expiration of five days after the state board of control has received copies of the commitment papers together with a certificate of the judge stating the reasons for sending such persons to the county asylum instead of to the hospital.

Estate of insane person liable for his support.

Laws of 1907, 604q.

The property and estate of any insane patient in a state hospital or county asylum, or kept by any county at its charge, and of a deceased patient of a hospital or asylum, are liable for his continuing and past support and maintenance; and upon failure of the person having custody of such property or estate to pay for the support of the patient, the state board of control, the board of trustees of the asylum or the board of the county furnishing the patient's support may apply to the proper county judge to compel payment.

Supplement, 584a.

When a person is brought before the county judge for examination for whose support, in whole or in part, any county may be chargeable. he must give due notice of the hearing to the district attorney of the county supposed to be chargeable and must take testimony showing the actual and legal residence of such person, his general financial ability, and in case the testimony does not disclose property sufficient to save the county from the expense of his support, then the general financial ability and residence of any person chargeable with his support.

8. Criminal Insane

The courts of record in the state may commit for safe-keeping or treatment to the hospitals for the insane any person charged with or convicted of any crime punishable by confinement in the state prison, and awaiting hearing, trial, conviction or sentence on account of the alleged insanity at the time of the commission of such crime or at any time afterwards and prior to sentence. Statutes, 1898, 596.

When any person is indicted or informed against for any offense and it is claimed before trial that he at the time of the commission of the offense was insane and not responsible for his acts, the court must order the question tried and determined by the jury. If the jury finds that the person was insane or that there was reasonable doubt of his sanity at the time of the commission of the alleged offense, they must return a verdict of not guilty because insane. The court must thereupon commit him to one of the state hospitals for the insane, to be detained and treated until he can be discharged according to law. A re-examination of his sanity may be had as in the case of other patients, but no person thus committed may be discharged unless the magistrate or the jury passing upon his sanity, in addition to finding him sane, also find that he is not likely to have such a recurrence of insanity as would result in acts which, but for insanity, would constitute crimes. Laws of 1911, Chap. 221.

The board of control, acting as a commission in lunacy, may adjudge any prisoner in the state prison, in any county jail or in the Milwaukee house of correction to be insane and may, with the approval of the governor remove him to one of the state hospitals for the insane. If a prisoner thus removed recovers his reason before the expiration of his sentence, he must, by order of the board, be returned to the prison from whence he was taken. Statutes, 1898, 561j.

WYOMING

Authorities:

Compiled Statutes of Wyoming, 1910

1. Administration and Supervision

Chapter 37. 436. *a. General.* The state board of charities and reform is composed of the governor, the secretary of state, the state treasurer, the state auditor and the state superintendent of 437. public instruction. The board has general supervision and control of all state charitable, reformatory and penal institutions. One or more of the members must personally inspect all state institution buildings at least once every year.

439. The board directs the general management of the state institutions, is responsible for the proper disbursement of all funds appropriated for their maintenance, appoints all the officers and prescribes their duties and compensation.

446. The secretary of the board makes a biennial report to the governor.

b. Institutional, administrative and supervisory agencies.

449. The superintendent of the hospital for the insane, appointed by the state board and subject to removal by it, must be a graduate in medicine, and must keep a full account of all his doings, and of the operations of the institution, submitting a monthly report to the state board. He employs all necessary help needed at the asylum, subject to the approval of the state board.

2. Provisions for the Care of the Insane

448. *In institutions—State.* The state maintains one general hospital for the insane.

Local

3. Commitment

460. *a. Classes committed.* Residents of the state who become insane are entitled to admission to the state hospital. Insane persons who have not acquired a legal residence must be returned by the state board of charities and reform, with the consent of the governor, either before or after admission to the state hospital, to the place of their residence, at the expense of the county from which they were committed.

Patients, whose friends will pay for them, or who have property to pay their expenses, are admitted to the state hospital on terms prescribed by the state board. 450.

b. Legal procedure in commitment. Upon verified petition in prescribed form of any relative or friend or other person to the district court or a judge thereof, that a person is insane, or incompetent to manage his property, the court must notify the supposed insane or incompetent person of the time and place of hearing the case and require his presence. Petition for hearing. 451.

The determination of the insanity or incompetency of any person is by a jury of six men and is conducted as a civil action. Jury trial. 453.

If the jury returns a verdict that the person tried is insane, the county physician, or some reputable physician appointed by the court must furnish a lunacy statement in prescribed form, containing answers to the questions prescribed and must return it to the clerk of the district court, within three days after the finding of the jury in such proceedings. 457.

The jury, in addition to finding upon the question of the sanity or insanity of a person, must find the value of his estate, if any, or whether he is a pauper. If he has estate, the judge, commissioner or clerk presiding over the proceedings must appoint a guardian to take charge of his estate in the manner provided in relation to guardianship. 454.

The committing judge must in addition to the order of commitment and the statement in lunacy, issue a certificate showing the name, age, sex, nativity, and occupation of the person committed and his place of residence. The clerk of the court must send a certified copy of the verdict and the physician's lunacy statement, together with the commitment warrant to the superintendent of the hospital at the time of commitment. 460. 461.

If the insane person sent to the hospital is a pauper, the clerk of the court must provide him with the necessary clothing at the county's expense. 462.

c. Appeal from commitment. Persons restrained of their liberty are entitled to the writ of habeas corpus, upon sworn petition to the supreme or district court, or by any judge of either of those courts. 6326. 6327. 6328.

473. *d. Cost of commitment.* The expense of the proceedings to determine the question of a person's insanity is a charge against his estate. If he has none, the expense is borne by the county in which the proceeding is had. If the jury declares the person to be sane, then the one making the complaint, except a county officer, must pay the expense of the proceeding.

472. The state pays all expenses of returning recovered patients, and of patients found not to be insane, to their respective homes or the county from which they were committed.

4. Conveying Patients to the Hospital

464. The superintendent of the hospital for the insane when notified by the county clerk, must, under rules provided by the state board, have the insane person conducted to the hospital at the expense of the state.

5. Transfer of Patients

6. Parole and Discharge of Patients

7. Cost of Maintenance

475. Insane poor persons are supported at the hospital by the state. The guardian of an insane person admitted to the hospital must pay for his support out of the estate of such ward.

476. Appropriations out of the county treasury for the care of any insane person may be recovered from any person who is bound to provide for an insane person, if he has sufficient ability to pay.

8. Criminal Insane

467. The state board of charities and reform must provide for the care and custody of all persons declared insane after legal inquiry has been made who are accused of, or convicted of crime, at the state hospital, or at a private institution within or without the state.

469. When a person accused of or convicted of crime, who is confined in any penitentiary, county jail or other place of confinement, awaiting trial, or on sentence, is of unsound mind, the officer having him in charge must and any citizen of the state may, make complaint, and the question of the sanity of the person must be tried and determined as provided by law in the case of other persons of unsound mind.

If found insane, such person must at once be taken to the place of treatment prescribed by the state board. 470.

When a criminal insane person recovers his reason, he must be returned to the penitentiary, the county jail or other place of imprisonment where he was previously confined, to serve out the remaining term of imprisonment if any. 471.

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